

LOK SABHA DEBATES

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LOK SABHA SECRETARIAT
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LOK SABHA

Wednesday, May 18, 1966/Vaisakha 28,
1888 (Saka).

*The Lok Sabha met at Eleven of the
Clock.*

[MR. SPEAKER in the Chair]

RE: STATEMENTS ON CERTAIN
IMPORTANT MATTERS

Mr. Speaker: Papers to be laid on
the Table.

Shri Hari Vishnu Kamath (Mosh-
angabad): Sir, before that, may I sub-
mit that more than once in the past
you have pulled up ministers, and
rightly so, for making a statement in
the Rajya Sabha in response to a
calling-attention notice but not here
in this House. Yesterday, in regard
to the incident in the Minister of Works
and Housing, Shri Khanna's residence,
a statement was made in the other
House, but nothing was said here; he
refused to say anything here, I have
given notice of a calling-attention to-
day also. Why should they make a
statement there and not here? They
are treating a more important House
like this.

Mr. Speaker: I will ask... (In-
terruption).

श्री मधु लिमये (मुंगेर) : आज अध्यक्ष
महोदय, यह साप्तिहिक दिन है। मैं बहुत
विनम्रतापूर्वक आप से धर्ज करना चाहता हूँ
कि चमन नाल के मामले में चालीस लाख
रुपया

अध्यक्ष महोदय : मुझे इतिहास मिला
नहीं है। जब एक मिनिस्टर स्टेटमेंट करे

श्रीर मेम्बर को शिकायत हो कि वह दुस्त
नहीं हुआ है, उसने गलत स्टेटमेंट किया है
या उसमें कोई डिसक्रिपेंसी है तो 115 में
यह व्यवस्था है कि मेम्बर भी अपनी स्टेटमेंट
कर ले और मिनिस्टर भी कर ले। जब वह
हो जाये, उसके बाद भी अगर कोई शिकायत
हो तो रेग्युलर मोशन आनी चाहिये। यह
नहीं हो सकता है कि आप इस तरह से उठ कर
कहना शुरू कर दें और मिनिस्टर को इतिहास
भी न हो कि क्या हो रहा है। आप बाकायदा
तौर पर मोशन दें, मैं वक्त आपको डिसकस
करने के लिए दूंगा।

श्री मधु लिमये : मैंने प्रस्ताव किया है।

अध्यक्ष महोदय : मोशन नहीं है।

श्री मधु लिमये : यह एक विशेषाधिकार
का प्रश्न है।

अध्यक्ष महोदय : विशेषाधिकार नहीं
होता है।

श्री मधु लिमये : इसलिए बनता है ...
(ध्वजबान) अध्यक्ष महोदय, बोझ आप
चलने तो दें। बोझ मा मुन तो लें।

अध्यक्ष महोदय : ऐसे ही नहीं मैं मुनते
जा सकता हूँ।

श्री मधु लिमये : बड़ी मेहनत करके
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मैंने निकाली। मंत्री महोदय ने कम स्वीकार
किया। कम से कम सदन को जो उन्होंने
गुमराह किया उसके लिए वह सदन से माफी
तो मांगते, खेव प्रकट तो करते।

अध्यक्ष महोदय : मेरा काम नहीं है
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श्री मधु लिमये : विशेषाधिकार भी तो बनता है ।

अध्यक्ष महोदय, 105 के अन्दर अब मेरा व्यवस्था का प्रश्न आप सुनिये ।

अध्यक्ष महोदय : मैंने कंसिडर किया है । 105 के अन्दर व्यवस्था

श्री मधु लिमये : बनता है । मैं व्यवस्था का प्रश्न उठा रहा हूँ । 105 आप देख लें । 105 में कहा गया कि इस सदन के, सदन की समितियों के प्रीर सदस्यों के वही अधिकार होंगे जोकि हाउस आफ कामन्स के हैं । सदन को वित्त मंत्री ने गुमराह किया है . . .

अध्यक्ष महोदय : अब आप बैठ जाइये ।

श्री मधु लिमये : यह देश हित की बात है । 40 लाख की चोरी मैंने बड़ी मेहनत करके पकड़ी है । मंत्री महोदय ने इसको स्वीकार भी किया । अब आप मुझ को उठाने भी नहीं देते . . .

अध्यक्ष महोदय : मिनिस्टर ने अपना स्टेटमेंट दे दिया है ।

श्री मधु लिमये : खेद प्रकट कहां किया है ? उन्होंने चादर बिछाने की कोशिश की है ।

अध्यक्ष महोदय : खेद प्रकट न करने पर विशेषाधिकार . . .

श्री मधु लिमये : वक्र दृष्टि उन पर कभी आपकी पड़ेगी, कोप दृष्टि उन पर भी कभी पड़ेगी, गुस्से की नजर उन पर भी पड़ेगी या

हमारे ऊपर ही पड़ेगी । हमारे साथ कभी तो इनायत करें । मेरा यह कोई निजी मामला नहीं है

अध्यक्ष महोदय : दो तीन बार कहा है । जो कायदा है, उसके मुताबिक चलना होगा ।

Shrimati Renu Chakravartty (Barrackpore): Why did he not express regret? It gives a misleading impression.

Shri Kapur Singh (Ludhiana): The hon. Member, Shri Madhu Limaye, has twice made a reference to a theft of foreign exchange worth Rs. 40 lakhs. As far as we were able to understand from the statement made by the hon. Minister yesterday, the question of theft by either Messrs Chamanlal & Company or somebody else did not arise; it was merely a question of transmission of foreign exchange by a firm which is residing outside. Shri Chamanlal was only indirectly connected with that transaction and the question of theft did not arise.

Mr. Speaker: Whether it arises or not, I have said . . . (Interruption).

Shri Kapur Singh: Therefore, my submission is only this . . . (Interruption).

श्री मधु लिमये : चमन लाल का सवाल नहीं है । मंत्री का सवाल है । मंत्री महोदय ने कहा है कि चालीस लाख रुपया मिला गया है । नहीं मिला है ।

Shri S. M. Banerjee (Kanpur): Sir, I have just now been informed by your office that you have kept one call-attention notice, regarding the import of jute to the tune of Rs. 2-1/2 crores illegally, pending. I only want to know whether this will come up today.

Mr. Speaker: I have asked him to make a statement.

Shri S. M. Banerjee: Today is the last day of the session; fortunately,

we are meeting today. May I request you to ask the Labour Minister to make a statement either now or late in the day regarding the proposed retrenchment of 10,000 people from the oil companies. Let him make a statement.

श्री बड़े (खारगोन) : मैं दो बातें कहना चाहता हूँ। एक तो जैसे कामत साहब ने कहा है खन्ना साहब वाले मामले में स्टेटमेंट होना चाहिये था। कछबाय साहब उठे भी थे। घाज उन पर घटक हो रहा है कल को हमारे पर भी हो सकता है। राज्य सभा में यह स्टेटमेंट हो गया है। यहाँ नहीं हुआ है। मैं समझता हूँ कि यह धन्याय है जो हमारे साथ हो रहा है।

दूसरी बात यह है कि मधु निमये साहब ने जो कहा है मैं उसको पुष्टि देता हूँ। जब मिनिस्टर साहब इस तरह की स्टेटमेंट दे देते हैं तो पार्लिमेंट की कहां इज्जत रह जाती है। पार्लिमेंट की प्रतिष्ठा को तो हमें बनाये रखना चाहिये। प्रेस में क्लिफिमिन्स घाता है। इस प्रकार से . . .

अध्यक्ष महोदय : प्रेस में घा जाने से वह सही नहीं . . . (बदबान) हर एक प्रेस में जो खबर छपती है . . .

श्री बड़े : मैं कभी नहीं उठता हूँ। मैं इस हक में हूँ कि पार्लिमेंट का काम चलते रहना चाहिये, इसमें विज्ज नहीं डाला जाना चाहिये। लेकिन इस प्रकार का जब स्टेटमेंट होता है तो खेद तो उनको प्रकट करना चाहिये।

Shri Hem Barua (Gauhati): I just wanted to draw your attention to a very relevant thing. The Chief Minister of Manipur has disclosed a very startling fact that the Naga hostiles who went to Pakistan for military training and collecting arms are now trying to get through Mizo Hills and cooperating with the Mizo rebels. This is a very disturbing thing. There

is no security in that part of our country. I am getting telegram and letters everyday. I want that the Home Minister should make a statement on this. I just wanted to know what measures he has taken to prevent these Naga hostiles from entering into Nagaland through Mizo Hills from Pakistan.

Mr. Speaker: If the Minister can make a statement, he may do it.

11.07 hrs.

STATEMENT RE. ATTACK ON MINISTER'S GUNMAN

Shri Hari Vishnu Kamath (Hoshangabad): Is there anything fishy about the incident that occurred in the Minister's residence? Why does he not say anything on that?

The Minister of Home Affairs (Shri Nanda): Yesterday, I was trying to get up to say something on it. I did not make the statement there of my own accord. I had gone there for something else about the Jammu and Kashmir incident. Then, somebody asked me about that and I gave the information that I had with me.

Mr. Speaker: Here also that had been asked.

Shri Nanda: I was thinking of getting up . . .

Mr. Speaker: If I had been told, I would have called him. I was looking to him. Mr. Khanna was also there. Here also, the Members had asked for the information.

Shri Nanda: I came after the question had been raised. I was told that there was some question about that. I was just getting up. But I could not catch your eye, Sir.

Shri Hari Vishnu Kamath: That is too bad.

Mr. Speaker: If he could not catch my eye, he could catch my ear at least.

Shri Nanda: I am very sorry . . .

Mr. Speaker: Now he may make the statement.

Shri D. C. Sharma (Gurdaspur): He is able to catch the ears of the Mizo rebels but he is not able to catch your ears!

Shri Nanda: The following facts have been ascertained from the Delhi Administration regarding the reported attack this morning—yesterday morning . . .

Shri Hem Barua (Gauhati): That shows he was reading the statement yesterday.

Mr. Speaker: He said, he had wanted to make it here also.

Shri Nanda: These are the facts. A man called Abdul Hamid, aged about 60 years, came to India several years ago from the North West Frontier Province. He has been trying to get a passport to pay a visit to Pakistan and in this connection he has been visiting Shri Khanna. As Shri Khanna did not know the man well enough, he told him to approach the passport authorities. The man, however, kept on pestering the Minister. This morning he went to the Minister's residence at about 8.30 A.M. and met the P.A. The latter told him that no assistance could be given to him by the Minister. Abdul Hamid became somewhat difficult and the gunman on duty was asked to persuade him to leave. The gunman was taking Abdul Hamid out of the premises when the latter started grappling with him, whipped out a knife and stabbed him in the abdomen. The assailant has been caught and the gunman is in the hospital out of danger.

Shri Hari Vishnu Kamath: Is there any truth in certain press reports to the effect that this assailant is a foreigner, is not an Indian citizen....

Mr. Speaker: That has been said here.

Shri Hari Vishnu Kamath: When he said he wanted to get a passport for

Pakistan, it may be an Indian citizen also....

Mr. Speaker: It was also said that he has been living here for many years. That was also said, I suppose. He is an Indian citizen.

Shri Hari Vishnu Kamath: Is it a fact that he was known to the Minister for many years?

The Minister of Works, Housing and Urban Development (Shri Mehr Chand Khanna): No.

Mr. Speaker: He says that he does not know.

श्री प्रकाशवीर शास्त्री (बिजनौर) : अध्यक्ष महोदय, मैं आपके द्वारा गृह मंत्री जी से केवल इतनी बात जानना चाहता हूँ कि दिल्ली के घन्दर, जो राजधानी है, श्री खन्ना के मकान पर जो भयंकर घटना हुई है जिसमें चारों ओर एक तरह से घातक व्याप्त है, घाया उस घटना के पीछे केवल माव उतना ही कारण है जो कि समाचारपत्रों में घाया है और जैसा कि मंत्री महोदय ने पत्र कर सुना दिया कि केवल पासपोर्ट लेने का किस्सा था इसलिये यह घटना हुई या कि वके पीछे कोई राजनीतिक उद्देश्य है जिसके कारण एक व्यक्ति प्रेरितकर के भेजा गया और यह घटना हो गई जिस आधार पर लोगों में चिन्ता उत्पन्न हो गई है।

अध्यक्ष महोदय : यह तो पता करने के बाद मालूम होगा।

श्री प्रकाशवीर शास्त्री : मैं जानना चाहता हूँ कि जो रिपोर्ट लिखाई गई थाने में क्या उसमें कोई राजनीतिक व्यक्तियों के नाम हैं।

अध्यक्ष महोदय : रिपोर्ट तो बही होगी जो कि बयान में कहा गया है।

Shri S. M. Banerjee (Kanpur): I want to know the condition of the gunman who was stabbed....

Mr. Speaker: It has been stated already that he is out of danger.

श्री यशपाल सिंह (कैराना) : सुनने में आया है कि जो मुलजिम या वह माननीय खन्ना जी के पास साल भर में पांच बार जा चुका या धीरे जवानी तौर पर कुछ गेंड घकड़ श्री कर चुका था। क्या यह बात सही है ?

श्री मन्वा : मैं श्री खन्ना से सुना है कि उसने कई बार मिलने की कोशिश की।

Shri Hari Vishnu Kamath: Why should a security guard be called a runman?

श्री काशीराम गुप्त (धनवर) : अध्यक्ष महोदय, सदन आज उठ जायेगा और वह जांच मालूम नहीं कब तक हो सकेगी। सो मैं जानना चाहूंगा कि क्या गृह मंत्री इस जांच के बारे में भीष्ट कोई ऐसा तरीका निकालेंगे जिससे सदन को हमकी सूचना मिल सके।

अध्यक्ष महोदय : इसका धीरे क्या तरीका निकाल सकता है काशीराम जी, इसकी जांच होगी।

11.11½ hrs.

Re. P.A.C. REPORT

श्री काशीराम गुप्त (धनवर) : मैं एक निवेदन धीरे करना चाहता हूँ, और वह यह है कि कल श्री जि० ना० मिह ने जो पत्र दिया उसमें श्री मुञ्जहाण्यम् का नाम आया। उस पर उन्होंने ऐतराज किया। इसके ऊपर उनका बयान आयेगा। इसी प्रकार में 40 लाख के बारे में विल्ल मंत्री ने जो गलत-जवानी की मैं निवेदन करूंगा कि सदन के नेता जो हैं क्या उन्होंने इस बारे में मंत्री महोदयों को कोई इत्यादितें दीं प्रपचा देने की कृपा करेंगे कि वे कम से कम जो अपने बयान दें वह सच समझ कर धीरे नहीं दिया करें।

11.12 hrs.

QUESTION OF PRIVILEGE

Mr. Speaker: I had been waiting for Shri N. Sreekantan Nair to arrive, but he is not here.

I had told the House the other day that he had given notice of a breach of privilege against a newspaper, and when I did not give my consent because I thought that there was no *prima facie* case, he got angry with me and used certain words which I brought to the notice of the House. This morning also, he used certain words that I do not want to mention at this stage; I shall bring that to the notice of the House afterwards . . .

Shri Hari Vishnu Kamath (Hoshangabad): When he comes?

Mr. Speaker: But because he has behaved in that manner, and because certain motives have been imputed to me, I have decided that I shall refer the case of privilege to the Committee of Privileges. Let them find out if I am wrong and then report to this House . . .

Shri S. M. Banerjee (Kanpur): You are setting a wrong precedent. Why should the committee decide on your conduct?

Shri Ranga (Chittoor): He is not sending that.

Mr. Speaker: I am not sending that. I am sending only the original motion against the paper, to the committee.

Shri Hem Barua (Gauhati): You are sending that motion to the committee for what?

Shri Bade (Khargone): If he accuses a certain person, then that matter is required to be sent to the Committee of Privileges?

Mr. Speaker: I shall disclose that subsequently, since I do not want to prejudice it at this stage. Probably the Member would support me that under those circumstances it was

[Mr. Speaker.]

desirable that I should have sent it and ascertained the opinion of the committee, and that might be placed before the House.

Shri Hem Barua: Since he has abused you, or as you have said, he has used certain words, therefore, you are sending this to the Privileges Committee?

Mr. Speaker: I may be mistaken. But let that report come independently of that.

Shri Kapur Singh (Ludhiana): I think you just want to know what the committee think of the matter so that you can then decide?

Mr. Speaker: I merely said that I may be mistaken; so, independently, let the report of the committee come. Therefore, I am not telling those words to the House now.

Shri Hari Vishnu Kamath: Reverting to the previous item, may I know why a security guard is called a gunman?

Shri Nanda: I think the hon. Member is right.

11.14 hrs.

PAPERS LAID ON THE TABLE

Mr. Speaker: Shri C. Subramaniam.

The Minister of Food, Agriculture, Community Development and Co-operation (Shri C. Subramaniam): Mr. Speaker, I rise to make a statement....

Mr. Speaker: Papers to be laid

Shri Kapur Singh (Ludhiana): He has been worried the whole night. Let him unburden himself.

Shri D. C. Sharma (Gurdaspur): What extra precautions have been taken for the safety of Shri Mehr Chand Khanna?

NOTIFICATIONS UNDER KERALA FOREST ACT

Shri C. Subramaniam: I beg to lay on the Table a copy each of two Notifications under section 77 of the Kerala Forest Act, 1961 read with clause (c) (iv) of the Proclamation dated the 24th March, 1965, issued by the Vice-President, discharging the functions of the President, in relation to the State of Kerala. [Placed in Library. See No. LT-6382/66].

NOTIFICATIONS UNDER KERALA LAND ASSIGNMENT ACT

The Deputy Minister in the Ministry of Food, Agriculture, Community Development and Co-operation (Shri Shyam Dhar Misra): I beg to lay on the Table a copy each of four Notifications under section 7 of the Kerala Land Assignment Act, 1960, read with clause (c) (iv) of the Proclamation dated the 24th March, 1965, issued by the Vice-President, discharging the functions of the President, in relation to the State of Kerala. [Placed in Library. See No. LT-6383/66].

Shri Hari Vishnu Kamath (Hoshangabad): On a point of clarification regarding these two items. They relate to Kerala. That is why I am interested, as Kerala has no legislature and we here are responsible for the government of Kerala.

We had a sad experience two or three days ago when some old, moth-eaten notification was placed on the Table, two years old. Then he had to express regret or give some sort of explanation, explaining it away.

Today no dates are given of the notifications in regard to both items. We must know the dates, whether they are two years, three years or five years old.

Mr. Speaker: Can he give the dates?

Shri C. Subramaniam: In the case of the first, the Kerala Gazette notification is dated 15th February 1966.

Shri Hari Vishnu Kamath: Three months old. As soon as the notifica-

tion was issued, it should have been laid on the Table. What about the other one?

Shri Shyam Dhar Misra: It is with the Minister.

Shri Hari Vishnu Kamath: He is now passing the buck.

Shri C. Subramaniam: 22nd February 1966.

Shri Hari Vishnu Kamath: Three months old. Bad enough.

NOTIFICATION UNDER KERALA FOREST ACT—in detailed form

Shri C. Subramaniam: I beg to lay on the Table a copy each of the following Notifications under section 77 of the Kerala Forest Act, 1961, read with clause (c) (iv) of the Proclamation dated the 24th March, 1965, issued by the Vice-President discharging the functions of the President in relation to the State of Kerala:—

- (i) The Kerala Forest (Collection of drift and stranded timber) Rules, 1965, published in Notification S.R.O. No. 43/66 in Kerala Gazette dated the 15th February, 1966.
- (ii) The Kerala Forest (Regulation of Timber Transit by Water Ways) Rules, 1965, published in Notification S.R.O. No. 50/66 in Kerala Gazette dated the 22nd February, 1966. [Placed in Library. See No. LT-6382/63].

NOTIFICATION UNDER KERALA LAND ASSIGNMENT ACT—in detailed form

Shri Shyam Dhar Misra: I beg to lay on the Table a copy each of the following Notifications under section 7 of the Kerala Land Assignment Act, 1960, read with clause (c) (iv) of the Proclamation dated the 24th March, 1965, issued by the Vice-President, discharging the functions of the President, in relation to the State of Kerala:—

- (i) S.R.O. No. 39/66 published in Kerala Gazette dated the 8th February, 1966, making certain amendments to the Rules for Lease of Government Lands for Cardamom Cultivation, 1961.
- (ii) S.R.O. No. 40/66 published in Kerala Gazette dated the 8th February, 1966.
- (iii) S.R.O. No. 41/66 published in Kerala Gazette dated the 8th February, 1966.
- (iv) S.R.O. No. 132/66 published in Kerala Gazette dated the 29th March, 1966, making certain amendment to the Kerala Land Assignment Rules, 1964.

[Placed in Library. See No. LT-6383/66].

ANNUAL STATEMENT OF ACCOUNTS AND AUDIT REPORT RE: ALL INDIA INSTITUTE OF MEDICAL SCIENCES

Shri Shyam Dhar Misra: On behalf of Shri B. S. Murthy, I beg to lay on the Table a copy of the Annual statement of accounts of the All India Institute of Medical Sciences, New Delhi, for the year 1964-65 together with the Audit Report thereon, under sub-section (4) of section 18 of the All India Institute of Medical Sciences Act, 1956. [Placed in Library. See No. LT-6384/66].

11:15 hrs.

MESSAGES FROM RAJYA SABHA

Secretary: Sir, I have to report the following messages received from the Secretary of Rajya Sabha:

- (i) "In accordance with the provisions of sub-rule (6) of rule 186 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to return herewith the Produce Cess Bill.

[Secretary]

1966, which was passed by the Lok Sabha at its sitting held on the 12th May, 1966, and transmitted to the Rajya Sabha for its recommendations and to state that this House has no recommendations to make to the Lok Sabha in regard to the said Bill."

(ii) "In accordance with the provisions of rule 127 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on the 17th May, 1966, agreed without any amendment to the Unit Trust of India (Amendment) Bill, 1966, which was passed by the Lok Sabha at its sitting held on the 15th February, 1966."

(iii) "I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on Tuesday, the 17th May, 1966, passed the following motion in regard to the Joint Committee of the Houses on the Patents Bill, 1965:—

"That this House concurs in the recommendation of the Lok Sabha that the Rajya Sabha do appoint a member to the Joint Committee of the Houses on the Patents Bill, 1965, in the vacancy cause by the resignation of Shri T. N. Singh from the membership of the Committee and resolves that Shri D. Sanjivayya, member of the Rajya Sabha, be appointed to the said Joint Committee."

11.15 hrs.

MOTION RE: SELECT COMMITTEE ON SEEDS BILL

Shri S. C. Samanta (Tamluk): I beg to move the following:

"That Shrimati Shakuntala Devi be appointed to the Select Com-

mittee on the Bill to provide for regulating the quality of certain seeds for sale, and for matters connected therewith vice Shri Manikya Lal Varma resigned".

Mr. Speaker: The question is:

"That Shrimati Shakuntala Devi be appointed to the Select Committee on the Bill to provide for regulating the quality of certain seeds for sale, and for matters connected therewith vice Shri Manikyalal Varma resigned."

The motion was adopted.

11.16 hrs.

PERSONAL EXPLANATION BY MINISTER

The Minister of Food, Agriculture, Community Development and Co-operation (Shri C. Subramaniam): Mr. Speaker, Sir, I rise to make a statement of personal explanation with regard to a reference yesterday regarding certain orders passed in the matter of Aminchand Pyarelal. I had stated yesterday that I was not the Minister concerned as I had been under the impression that the question under discussion in the House related to the issue of import licences to this firm before I took over as Steel Minister.

I had not been aware that the Public Accounts Committee had commented on certain orders I had passed during my tenure as Minister in charge of Iron and Steel. I may at the outset point out that these orders related to penal actions initiated by me against Aminchand Pyarelal and allied concerns for irregularities committed by them in the period 1956-57 to 1960. An order suspending for the first time transactions between this firm and the Hindustan Steel Ltd., was passed by me in December 1962. Subsequently, a case was brought to my notice in which Surendra Overseas, an allied concern had imported nearly 700 tons

of rounds in 1956-57 and had not accounted for them adequately. Although, the advice tendered to me by the Legal Department was that under the then existing import regulations no legal action could lie against the party, in order to discipline the trade I took the further step of suspending transactions between this Company and also its allied concerns and Government.

It is rather surprising to me that an observation should have been made suggesting that I had reconsidered certain orders without adequate reason. Actually when my first order dated 28-6-1963 that the suspension should affect all Departments of Government was sent to the Iron & Steel Controller in a draft form the question was raised whether the order should be a blanket one covering both trading concerns and production and other non-trading units. It was brought to my notice that one of the concerns was a steel rolling mill engaged in production. I decided, therefore, that this need not be covered by the order of suspension. I was also advised that we had to consult the Transport Ministry with regard to taking action against APJ lines, one of the concerns in the group engaged in shipping.

Meanwhile, on the 20th July, 1963, one of the representatives of this firm Mr. Jit Pal sought and had an interview with me. I took strong objection to the activities of his concerns and advised him that it would be better that his firm concentrated activity on productive industrial enterprises rather than on trade. It was brought to my notice that the concern had started a number of industrial units. The representative apologised for what might have been mistakes on their part and made a request that the Iron and Steel Controller might be permitted to deal with them in the usual manner as before. I quote from a letter from the firm dated 22-7-1963:

"I also beg to submit, Sir, that I appreciate your remark that some

of my transactions in the Trade in the past have not been to your satisfaction. I admit that there have been certain mistakes on my part but they were mostly due to the circumstances then prevailing and in view of the day to day negotiations which took place during those days. If any such case came up to your notice, I request that I may be given a chance to explain my position, so that you may have a fuller picture of such cases.

Nevertheless, I express my deep regret at whatever mistakes might have occurred in my transactions in the past and for any annoyance I may have given you. I again give this assurance to you, Sir, that all my future transactions shall strictly conform to the high standards you have fixed and I shall not give any cause for complaint".

On full consideration, I decided that there was no case for conceding the request of the firm to be permitted to have dealings with Iron and Steel Control and that the orders of punishment should stand in regard to the dealings with the Iron and Steel Controller. This meant in effect that the companies could not get any licences from Iron and Steel Control for trading purposes.

In view of the assessment of the Transport Ministry, however, I decided to reconsider the decision in regard to application of the suspension order to dealings with other Ministries. Accordingly the order was issued prohibiting the dealings of this firm and allied concerns only with Iron and Steel Control.

I regret that due to a misunderstanding of what was being discussed in the House I had denied that I was the Minister concerned.

I would like to reiterate that it should be remembered that it was I who initiated proceedings against the concern and suspended all transactions between my Ministry and the concern.

[Shri C. Subramaniam]

I hope I have clarified the position to the full satisfaction of the House.

Shrimati Renu Chakravartty (Barrackpore): What Mr. Prakash Vir Shastri said was basically correct. He had said something different. The point was that the entire question need not have been placed again before the House. The question was whether he had said it or not. The whole explanation has already been given to the Public Accounts Committee, and the Public Accounts Committee has made a recommendation or a statement and it is not necessary.

Mr. Speaker: In view of the present statement, I thought I would ask the Chairman of the Public Accounts Committee to make a statement.

Shri Ranga (Chittoor): What is there wrong in the statement?

Shrimati Renu Chakravartty: He is trying to whitewash what he has done.

Mr. Speaker: I had thought that I might ask the Chairman of the Public Accounts Committee to see this statement that has been made today and then to tell the House whether they ought to revise their remarks or to say something in respect of what has happened.

Shrimati Renu Chakravartty: He has said the correct thing. The basic understanding of the PAC is correct, and therefore, this long statement should not have been allowed.

Shri Ranga: I am sorry I have not read the report of the Public Accounts Committee, but I made myself responsible the other day, you will remember, for making the suggestion that there should be a blanket order once they were discovered to have indulged in blackmarketing in that manner, and we were given the impression that there was no such blanket order. Later on we gathered the impression that on the intervention of some Minister this blanket order was not passed, and also some permission was given for those people to get these

supplies for some of their concerns. It was in that connection I made the suggestion that there should be a thorough enquiry into the whole matter. Therefore, I do not see any reason why we should take any exception to the statement made by the Minister. On the other hand, I feel, subject to correction, subject to what the PAC would say later on, that if the facts as revealed to us by the Minister are correct, that he has passed these blanket orders preventing them from obtaining these permits from some other departments, from some other ministries, the Minister has acted correctly.

Shri Surendranath Dwivedy (Kendrapara): Matters are, I think, more confused than before in the sense that the Public Accounts Committee is a responsible body which has come to certain findings after knowing the Ministry's views on these matters.

Shri C. Subramaniam: No, no.

Shri Surendranath Dwivedy: They had the full statement before them. They would not give a finding that the Minister is in any way responsible before getting a statement about this, and therefore they have mentioned.

Mr. Speaker: Members should appreciate my point. I am also supporting him.

Shri Surendranath Dwivedy: I have not finished. What I am pointing out is that he has agreed that he was the Minister concerned at that time. What particular matter the PAC took into account and what particular matter he is referring to are not very clear.

Mr. Speaker: That is what I wanted to make clear. I have also seen the statement just now. He had passed orders prohibiting all transactions with other ministries as well. Later on when it was urged on him and the firm expressed regret and also promised to behave better, he advised them not to indulge in trade

but to confine themselves to productive activities. They wanted that they might be allowed to have these relations or transactions with other ministries so that they might just continue their business in that production. Afterwards he allowed the ban to remain so far as his ministry was concerned and removed the restrictions so far as the other ministries were concerned. That is what I have understood to be the correct position. In that context, Mrs. Renu Chakravarty is also insisting that so far as the PAC is concerned, it has made the remark that the minister had relaxed this prohibition and the Minister himself has said that it was correct.

Shrimati Renu Chakravarty: Upto this point, Mr. Subramaniam's statement and the PAC's statement corroborate each other. The point at which they create different impressions is this. The PAC is surprised that this was done. Mr. Subramaniam says that there is nothing to be surprised about it, for these reasons. My point is that the whole matter should be placed before the PAC—not before this House. We are not in a position to study these things now.

Shri C. Subramaniam: These materials were not placed before the PAC. Let them go before the P.A.C.

श्री प्रकाशवीर शास्त्री (बिजनौर) : अध्यक्ष महोदय, बड़ी स्पष्ट सी और मोटी सी भाषा में मैं आपसे निवेदन करना चाहता हूँ कि पब्लिक एकाउंट्स कमेटी ने कासी छानबीन करने के बाद और किन्हीं चीजों की तह में जाने के बाद अपनी रिपोर्ट पार्लियामेंट को पेश की। उसमें स्पष्ट रूप से यह कहा कि एक मिनिस्टर ने इस तरह से समय समय पर अपने घाउंडर को चेंज किया। क्यों उस घाउंडर को चेंज किया, उसके पीछे क्या भावना थी, पब्लिक एकाउंट्स कमेटी कहती है कि हम अभी तक नहीं समझ सके कि क्यों इस प्रकार के बार-बार परिवर्तन किये। इसके बाद जब

सदन में यह बात आयी कि घाखिरकार वह कौन साहब हैं, यह बताया जाय। जिम्मेवार मिनिस्टर जो इस समय इस विभाग के हैं उन्होंने उनका नाम बताया। दूसरी तरफ से खड़े होकर वह कहते हैं कि मैं नहीं हूँ। अब इसके ऊपर जो अभी यह वक्तव्य आया है इस वक्तव्य से तो पब्लिक एकाउंट्स कमेटी की जो फाइडिंग्स हैं, उसके जो निष्कर्ष हैं इन पर एक आपत्ति आयी है कि पब्लिक एकाउंट्स कमेटी अपने निष्कर्ष पर ठीक नहीं पहुँच सकी। इस प्रकार से कोई भी कमेटी जिसको आप नियुक्त करेंगे और जो सदन के प्रति उत्तरदायी होगी, कभी कोई कार्य नहीं कर सकेगी अगर इसी प्रकार से उसकी छिछालेदार होगी।

मैं यह चाहता हूँ कि अब जब यह अध्याय खुल ही गया है और यह सारी चीज सामने आ गई है। श्री टी० एन० विह ने कल उनका नाम लिया और यह कहते हैं कि मैं हो नहीं हूँ, मुझ से पहले से यह है या जो श्री कुछ चीज हो... (व्यवधान)... मेरा अपना कहना यह है कि आज जब यह प्रकरण खुल गया तो बिल्कुल उसकी तह तक जाना चाहिए ताकि दूसरे मिनिस्टर ऐसा न कर सकें और इस प्रकार जो ग़ोटों रुपये का गोलमाल जनता के धन का हो रहा है वह गोलमाल न हो सके। इसने ऊपर कोई जांच कमेटी बैठनी चाहिए।

Shri S. M. Banerjee (Kanpur): Sir, here is a statement made by the hon. Minister clarifying his position. All the facts which he has brought here now, I am told, were brought before the PAC. I am not a member of the PAC but I know that before writing their report or before making any reference or imputing any motive to any member of this House or any Minister, they verify all matters. You have correctly said that this should be referred to the PAC. May I invite your attention to another similar case? I am not imputing any motive. There was a similar question which engaged the

(Shri S. M. Banerjee)

attention of the House, that was the famous sleepers case.

Mr. Speaker: I know that. He need not repeat it.

Shri S. M. Banerjee: I am not referring to that. I only want to point out that the then Speaker, Shri Ananthasayanam Ayyangar, referred the entire question again to the Public Accounts Committee, to the late Feroze Gandhi, who was its Chairman. Then an enquiry was made.

Mr. Speaker: I have already said that one need not comment upon those matters.

Shri S. M. Banerjee: Just one second more, Sir. What I want is, now that it is under dispute between the Public Accounts Committee's observations and the Minister's statement, let there be a Committee of this House appointed to go into the entire question.

श्री मधु लिमये (मुंगेर) अध्यक्ष महोदय, सबसे पहले मुझे खेद है कि कल जब मंत्री महोदय का नाम लिया गया तो उन्होंने सदन

अध्यक्ष महोदय : उन्होंने साफ कर दिया कि मेरी शलतफहमी थी ।

श्री मधु लिमये : लेकिन कल इस को लेकर दो मंत्रियों के बीच में फीस्टाइल कुत्ती हो गयी तो क्या उससे सदन की प्रतिष्ठा को घटका नहीं लगेगा ? मैं दूसरी बात यह धर्ज करना चाहता हूँ कि जो उन्होंने अपने हृदय परिवर्तन की कहानी हमको बताई है, उसके बलावा इस बक्तव्य में कुछ नहीं है । मैं नहीं जानता कि इस हृदय परिवर्तन के क्या भौतिक और प्राध्यात्मिक कारण हैं लेकिन एक बात बिल्कुल साफ है कि मंत्री महोदय जब बक्तव्य देते हैं तो स्पष्टीकरण करने के बजाय जो मसला है उसको धूमिल बनाने की कोशिश

करते हैं और लोगों की प्रांखों में धूल फेंकते चले जा रहे हैं । मैं आप से जानना चाहता हूँ कि कल श्री शशीन्द्र चौधरी के बयान और श्री श्री सुब्रह्मण्यम् के बयान क्या दोनों से बिल्कुल साफ नहीं हो गया है कि स्थिति को छिपाने के लिए मंत्री महोदय बक्तव्य करने के अपने अधिकार का दुरुपयोग कर रहे हैं और सदन की जो कार्य-प्रक्रिया है उसमें देखल डाल रहे हैं तो जरा आप उनको डांट दीजिये ।

Shri Bade (Khargone): The Public Accounts Committee is a most important Committee of Parliament. I was a Member of that Committee for two years. I know that whenever there is such a point of criticism made against a Minister, a special letter is sent to them and an explanation is called from them, and then only a meeting of the Committee is called and strictures are passed against the department or the Minister concerned. I want to know whether this particular instance was not referred to the Minister. I do not know why Shri Ranga has taken the wrong side in defending him. (Interruption).

Mr. Speaker: Order, order.

Shri Bade: As a matter of fact, you have given the right decision, and you have given a right direction, namely, that it should be referred to the Public Accounts Committee. But I submit that there should be an enquiry into the matter.

Some hon. Member rose—

Mr. Speaker: Order order. Different suggestions have been made but the best course, I think, would be—

श्री सिंहसैन सिंह(गोरखपुर) : अध्यक्ष महोदय, मैं एक बात निवेदन करना चाहता था । माननीय मंत्री ने वह बिट्टी पढ़ कर सुनाई है जोकि उस व्यक्ति ने लिखी हुई है . . .

अध्यक्ष महोदय : अब चिट्ठी तो उन्होंने पढ़ कर सुना दी है उस पर कमेंट करने से क्या फायदा है ?

श्री सिंहासन सिंह : पब्लिक एकाउंट्स कमेटी की रिपोर्ट में है कि एक करोड़ का इम्पोर्ट लाइसेंस दिया गया उसी के अनुरूप एक करोड़ के एक्सपोर्ट के आधार पर लेकिन वह एक्सपोर्ट नहीं किया और एक करोड़ का इम्पोर्ट करके एक करोड़ के फॉरेन एक्सचेंज का लौट हुआ अब उस पर गवर्नमेंट ने जो कुछ किया और मंत्री जी ने जो बयान दिया उसको मैं साधुवाद देता हूँ कि उन्होंने उसको साफ किया लेकिन यह उसकी चिट्ठी में है और उसमें उसने लिखा हुआ है कि मैं आपके इस सख्त कदम पर अपने को बहुत नालां समझता हूँ । मुझे बड़ा दुःख और तकलीफ हुई कि मैंने बुरा काम किया है लेकिन पहले जैसे हुआ करता उसी के अनुरूप मैंने किया है । इससे मालूम हुआ कि पहले इस तरह की नाजायज कार्यवाही होती थी यह उसके पत्र से साबित हो जाता है । अब जो आपके पूर्व मंत्री के काल में इस तरह की बुराई प्रचलित थी उसको आपने ठीक करने के लिए क्या प्रयत्न किया ? पहले तो उसको आपने अपने तथा अन्य विभागों में ब्लैक लिस्ट किया उसको पनिश किया किन्तु बाद को आपने किसी कारणवश पनिशमेंट को प्राधा कर दिया वह तो ठीक है लेकिन पूर्व काल में जो घनाचार चलता था जिसका हवाला उसने अपनी चिट्ठी में दिया है उसकी जांच होनी चाहिए और उस पर क्या कार्यवाही की जा रही है ?

Mr. Speaker: I have already said that, and I stick to that decision of mine. I will ask—

Shri Yallamanda Reddy (Markapur): Sir, on a point of order.

Mr. Speaker: Order, order. Not while I am standing, I have already made my observations and I am of the same opinion even now. The

Minister has said that all these facts were not before the Public Accounts Committee. We will send it on to the Public Accounts Committee. If they feel that they have considered all these questions, they can say that. (Interruption). Order, order. They can say like that, and if they want to look into that and modify their opinion, they can do that also. After we have got that report, then it would be for the House to consider whether any fresh investigation or discussion is necessary in that respect. This is no stage for that.

Shri Yallamanda Reddy: On a point of order, Sir. After fully considering the matter, the Public Accounts Committee has given a report. Your decision to refer the matter back to the PAC implies that the PAC has not considered the matter fully. I submit that once the PAC has given a report, there is no meaning in sending it back to the PAC. It is only for the House to consider it and take a decision.

Shri D. C. Sharma (Gurdaspur): It was said here yesterday that the ministry changed hands thrice. We want to know at whose instance this grant of licence was initiated, how it was processed and what happened afterwards. It is not that the case of one minister only is going to be reviewed, but the cases of all those three ministers who were in charge of this ministry at different times should be reviewed.

Shri Bhagwat Jha Azad (Bhagalpur): I humbly submit that your decision in referring back the matter to the PAC opens up a new convention. Reports are submitted by the Estimates Committee, the Public Accounts Committee and the Public Undertakings Committee. The ministers do not appear before the committees, but their representatives, i.e. the Secretaries of the Departments appear before them. The PAC has submitted a report. By your decision to refer the matter back to the committee, you are putting a very severe

[Shri Bhagwat Jha Azad]

test on the Minister as well as on the committee. Never in the past has such a thing been done. I remember one instance. Under the chairmanship of Shri B. G. Mehta, the Estimates Committee submitted a report on oil with which Mr. Malaviya was concerned. The then Prime Minister, Shri Jawaharlal Nehru, said that all that could be done was, the Minister might make a statement in the House and clarify the position; let the report of the committee and the statement of the Minister be placed before the House and let the House take any decision it likes. It was not referred back to the committee. I submit on the merits of the case, it is a new chapter being opened. It is a very serious and important matter. Let us not take it lightly. Let all these things be placed before the House and let the House discuss it, if it so desires and take a decision.

श्री मोयं (अलीगढ़) : एक शब्द मैं अध्यक्ष महोदय, आप की इजाजत से कहना चाहूंगा। यह बात सत्य है कि पब्लिक एकाउंट्स कमेटी बहुत महत्व रखती है लेकिन पब्लिक एकाउंट्स कमेटी में खाली लोक सभा के ही सदस्य नहीं होते हैं उसमें राज्य सभा के सदस्य भी होते हैं। पब्लिक एकाउंट्स कमेटी इस सदन की सब कमेटी-नहीं है उसको दोनों सदन मिल कर बनाते हैं। पब्लिक एकाउंट्स कमेटी जो भी उचित समझती थी उसके अनुरूप उगने अपनी रिपोर्ट इस सदन में रख दी अब इस सदन के सामने कोई भी सदस्य या आप श्रीमन्, यह मोचते हैं कि उसमें कहीं कमी रह गयी है तो उस पर इस सदन में बहस हो सकती है लेकिन पब्लिक एकाउंट्स कमेटी को वापिस भेजना इस तरह का निर्णय आपका उचित नहीं होगा क्योंकि पब्लिक एकाउंट्स कमेटी में दोनों ही सदन के सदस्य होते हैं लोकसभा के भी सदस्य हैं और राज्य सभा के भी सदस्य हैं इसलिए इस मिथ्यान्त को लेते हुए कि लोक सभा

अपना महत्व रखती है लेकिन राज्य सभा भी अपना एक बड़ा महत्व रखती है।

अध्यक्ष महोदय : खत्म करिये।

श्री रामेश्वरानन्द (करनाल) : मेरा एक निवेदन सुन लें

अध्यक्ष महोदय : क्या मिनिस्टर साहब कुछ कहना चाह रहे हैं ?

Shri C. Subramaniam: I was never given an opportunity to appear before the PAC as far as this matter is concerned. It was said that if the Ministers want to make certain observations, the option is given to the Minister to appear himself or through the Secretary. I was not aware that this point was being considered by the PAC at any time. Otherwise, I would have certainly placed all these things before the committee.

Shri Bhagwat Jha Azad: Sir, when a report of any Committee, either the Estimates Committee or the Public Accounts Committee or the Public Undertakings Committee, is prepared—I am giving you factual information—the draft report is sent to the Ministry concerned for correction and only after it has come back from the Ministry it is published. Therefore, this plea cannot be taken.

श्री रामेश्वरानन्द : अध्यक्ष महोदय लोकर लेखा समिति का, जो कि दोनों सदनों द्वारा चुनी जाती है, किसी भी मंत्रालय के साथ कोई विरोध नहीं है। वह जो कुछ भी विचार प्रकट करती है, वह बहुत ज्यादा जानकारी प्राप्त करने के पश्चात् करती है। इसलिए इस सम्बन्ध में उसने जो भी निर्णय किया है, वह सर्वथा सत्य है। मंत्री महोदय के वक्तव्य को पुनः उस समिति के सामने भेजने का प्रश्न यह होगा कि उसको बाधित किया जायेगा कि वह इस पर पुनर्विचार करे, अर्थात् अपने विचार को बदल डालें। मंत्री महोदय के

बचाव के लिए यह सब किया जा रहा है। इसलिए भ्रापकी ओर से ऐसा प्रस्ताव नहीं आना चाहिए। तरबूज को पहले टांका लगा कर यह देखा जाता है कि वह कच्चा है या पका है, लेकिन ज्येष्ठ मास में टांका लगाने की जरूरत नहीं होती है, क्योंकि उस वक्त सारे पके होते हैं। यह सारे का सारा मंत्रि-मंडल इसी प्रकार का है। इस अवस्था में जो एक व्यक्ति प्रकाश में आया है, उसको भ्राने दीजिये, आप उसको इस प्रकार न रोकिये।

The Minister of Iron and Steel (Shri T. N. Singh): Sir, I would like to make a submission in regard to one point, and that is about the precedent in such matters. So far as the Public Accounts Committee is concerned, I remember, there was an occasion when a case relating to the Defence Ministry Accounts was referred back to the Public Accounts Committee. I was a member of the Public Accounts Committee and also Chairman, and we considered that matter again. So the precedent is there when such a matter has been referred back to the Public Accounts Committee.

श्री रामेश्वरामन्ध : यह मंत्री महोदय को बचाने का उपाय है। ऐसा नहीं होना चाहिए।

श्री मधु लिखवे : प्रकले लोक सभा कैसे फैसला कर सकती है? कमेटी में राज्य सभा के सदस्य भी हैं। इस बारे में राज्य सभा को भी पूछा जाना चाहिए।

Mr. Speaker: I do not find any difficulty. There is nothing unusual in what I have done (*Interruption*).

श्री मधु लिखवे : इस मामले को राज्य सभा की राय से कमेटी को वापस भेजा जाना चाहिए।

Mr. Speaker: In the normal course, when the Minister says he had no chance, let the Public Accounts Committee look into it. We are sending it on to the same Committee. We are

not doing anything unusual (*Interruption*).

Shri Ranga: Sir, I only wish to remind you of the request that we made the other day, and which you were good enough to endorse, that, apart from this matter, the whole matter of the way in which these licences had been given should be taken up seriously by all the ministries concerned, and it should be enquired into very carefully.

Mr. Speaker: That I have already said.

Shri Yallamanda Reddy: Sir, I rise to a point of order....

Mr. Speaker: Order, order. There is no point of order. I have already given my decision on that.

11.43 hrs.

RE: NOMINATION OF CHAIRMEN OF COMMITTEES

Shri Hem Barua (Gauhati): Sir, may I draw your kind attention to today's Bulletin Part II of the Lok Sabha Secretariat? Last week, Sir, when some hon. Members of the Opposition, like Professor Ranga, raised the issue in this House, that you should see that some Chairmen of some of the parliamentary committees are from Members of the Opposition—I am glad to tell you that Professor D. C. Sharma also supported that idea on that occasion—you said that you will bear it in mind. But in this Bulletin I find—I do not have anything against Shri Morarka, I have the highest regards for him, he is an able and hard-working man—you have been pleased to nominate him as the Chairman of the Public Accounts Committee. I am drawing your attention, Sir....

Mr. Speaker: It might have been notified in the Bulletin afterwards, but the orders had been passed earlier.

Shri Hem Barua: Are we to understand that in future you will bear

[Shri Hem Barua]

this in mind that some Members of the Opposition should be nominated as chairmen of some committees?

Mr. Speaker: I have already said that.

Shri Hem Barua: In the same bulletin there are two other nominations to the Press Council....

Mr. Speaker: I have told him that I had nominated him earlier. He should believe me.

Shri Hem Barua: That I believe, but in the same bulletin there are two nominations for the Press Council and both are Members of the Congress Party.

Shri Shinkre (Marmagao): Sir, you had only said that you would bear it in mind in future; whenever a chance would occur for nominating or appointing a Chairman of this Committee, you will see to it that sometimes Members of the Opposition also would be given a chance. In this context, having appointed Shri Morarka earlier than this statement of yours, Shri Hem Barua's contention has no substance.

12.46 hrs.

DELHI ADMINISTRATION BILL—Contd.

Mr. Speaker: The House will now take up further consideration of the following motion moved by Shri Jai Sukh Lal Hathi on the 14th May, 1966, namely:—

"That the Bill to provide for the administration of the Union territory of Delhi and for matters connected therewith, as reported by the Joint Committee, be taken into consideration."

Shri Madhu Limaye may continue his speech. Time left is 50 minutes

श्री मधु लिमये (मुंबई) : अध्यक्ष महोदय, अगर गृह मंत्री जी के अनुरोध पर आज दिल्ली प्रशासन विधेयक पास हो जायेगा,

तो लोकतन्त्र के लिये यह दिन एक शर्म का दिन माना जायेगा। लोकतन्त्र की जितनी कसौटिया हैं, उन में से एक भी कसौटी पर दिल्ली प्रशासन विधेयक उतरना नहीं है।

लोकतन्त्र की चार मोटी मोटी कसौटियां हैं। लोकतन्त्र के लिये यह निहायत जरूरी है कि जनता के द्वारा चुनी हुई एक प्रतिनिधि सभा हो। इस विधेयक में लोकतन्त्र का ढाँचा खड़ा करने की कोशिश की गई है, लेकिन इस ढाँचे में लोकतन्त्र के प्राण या जान नहीं है। प्रतिनिधि सभा का निर्माण होगा, लेकिन साथ साथ इस विधेयक में यह कहा गया है कि पांच प्रतिनिधि सरकार के द्वारा नामजद किये जायेंगे। पहले तो इस विधेयक में यह व्यवस्था थी कि जो गैर-सरकारी लोग हैं, उन्हीं को नामजद किया जायेगा, लेकिन जो नया संशोधन आया है, उसके अनुसार सरकारी नौकरों को नामजद करने का अधिकार भी सरकार अपने हाथ में लेना चाहती है। जब साम्राज्यशाही का जमाना था, तब अंग्रेज लोग प्रतिनिधि सभाओं का निर्माण करते समय हमेशा नामजद प्रतिनिधियों को और अधिकार लोगों को उसमें भरा करते थे। मेरी समझ में नहीं आता है कि यह लोकतांत्रिक सरकार है, लेकिन वह साम्राज्यवादियों को भावस मानती है और उस ने उन से लोकतन्त्र की हत्या करने वाला और सरकारी अधिकारों को नामजद करने वाला चातक सिद्धान्त ले लिया है। इसलिये मैं इस नामजदगी के सिद्धान्त का तीव्र विरोध करना चाहता हूँ और उम्मीद करता हूँ कि यह सदन भी पूरी तरह इस की मुञ्चालिफ्त करेगा।

लोकतन्त्र की दूसरी कसौटी यह है कि जनता के द्वारा प्रत्यक्ष चुनाव के आधार पर चुनी गई हर एक प्रतिनिधि सभा के हाथ में ही कुनियाबी हक्किर अधिकार होते हैं : एक कानून बनाने का और दूसरा, धामवनी

खर्च पर नियंत्रण रखने का। सरकार दिल्ली में जो मेट्रोपोलिटन कौंसिल बनाने जा रही है, उसके हाथ में इन दोनों अधिकारों में से एक अधिकार भी नहीं रहेगा केवल कानूनों के प्रस्तावों पर विचार करने का तथा ग्रामदनी-खर्च के लेखे-जोखे पर अपनी सिफारिश करने का अधिकार इस मेट्रोपोलिटन कौंसिल को रहने वाला है। तो लोकतंत्र की दूसरी कसौटी पर भी प्रस्तावित मेट्रोपोलिटन कौंसिल नहीं उतरती है और जो अधिकार लोक सभा या विधान सभाओं को प्राप्त होते हैं, वे इस मेट्रोपोलिटन कौंसिल को विल्कुल नहीं मिलने वाले हैं।

हो सकता है कि मौजूदा संविधान में यह काम सरकार नहीं कर सकती है, लेकिन जब सरकार ने कई दफा संविधान को बदला है, तो क्या बजह है कि सरकार दिल्ली के नागरिकों को खर्च और ग्रामदनी पर नियंत्रण रखने और अपने लिए आवश्यक कानून संविधान के दायरे में रह कर बनाने के लोकतंत्र के बुनियादी अधिकार से वंचित रखना चाहती है ?

तीसरी लोकतंत्र की कसौटी है कि मुख्य मंत्रियों के या प्रधान मंत्रियों के कहने पर, उनकी सलाह पर हमेशा मंत्री मंडल का गठन किया जाता है। लेकिन इसमें आ कार्यपालिका का प्रमुख सदस्य होगा, चीफ एक्जीक्यूटिव कौंसिलर, उसको आप ये अधिकार धारा 38 के अन्तर्गत नहीं देने वाले हैं। आपको चाहिये था कि जो कार्यपालिका का प्रमुख सदस्य है, उसी की राय पर, उसी की सलाह पर पूरी कार्यपालिका का गठन करने का अधिकार उनको देते। लेकिन यह आप करने के लिये तैयार नहीं हैं।

चौथी चीज लोकतंत्र में कार्यपालिका होती है, मंत्री-मंडल होता है, उसका दायित्व प्रतिनिधि सभा के प्रति होता है, लेकिन इसमें यह सामुदायिक दायित्व का जो बुनियादी सिद्धान्त है, उसको भी आपने खत्म किया है।

फिर जहां तक सीटों को धारित करने का सवाल है, मेट्रोपोलिटन कौंसिल का जब गठन होगा तो धारा 3 के अन्तर्गत जो अनुसूचित जातियों के लोगों को प्रतिनिधित्व देने के लिये, उनके लिये जगह धारित करने के लिये जो योजना बनाई है। परन्तु उस में दरमियानी घरों के लिये आप जो मेट्रोपोलिटन कौंसिल बनाने जा रहे हैं, उस में इन लोगों के लिये सुरक्षित स्थानों का कोई इन्तजाम आपने नहीं किया है। जब यह विधेयक पहली बार हमारे सामने रखा गया था, तो मैंने एक संतोखन दिया था और मैंने कहा था कि अगर मेट्रोपोलिटन कौंसिल की संख्या 50 है, तो जितनी पिछड़ी हुई जातियों के लोग हैं, और उनमें मैं औरतों को इस लिये समाविष्ट करना चाहता हूँ कि वर्षों तक उनकी स्थिति भी बहुत भोचनीय रही है, इस लिये मेरी राय थी और है कि 50 में से 30 से अधिक जगह पिछड़ी जाति के लोगों के लिये रखी जाय, मुसलमानों में जो पिछड़े हैं, हिन्दुओं में जो पिछड़े हैं, सिखों में जो पिछड़े हैं, अनुसूचित जातियों के लिये, औरतों के लिये, इन सब के लिये मेट्रोपोलिटन कौंसिल में कम से कम 60 प्रतिशत स्थान आप सुरक्षित रखें। यह मेरा सुझाव था। मुझे पता नहीं है कि जो सिलेक्ट कमेटी बनाई गई थी, उसने मेरे इस सुझाव पर विचार किया या नहीं। लेकिन आपने तो दरमियानी घरों के लिये जो कौंसिल बनने जा रही है, उसमें भी हरिजनों के लिये जगह धारित करने का जो इन्तजाम है, उसको आपने खत्म किया है।

प्राखरकार, अध्यक्ष महोदय, मैं पूछना चाहता हूँ कि यह दिल्ली राजधानी एक प्राचीन नगरी है, लेकिन इसका जो इतिहास है, वह बड़ा दर्द भरा इतिहास है। हमेशा यह नगरी विदेशी आक्रमण के सामने झुकती रही है। शुरू में तुर्कों और अफगान आये, उनके सामने यह दिल्ली नगरी झुक गई, बाद में मुगल आये, उनके सामने झुक गई, बाद में अंग्रेज आये, उस वक्त भी झुकी। इसका यही

[श्री मधु लिमये]

इतिहास रहा है। आखिरकार इसके भन्दर जाकर देखना चाहिये कि दिल्ली राजधानी का स्वरूप ऐसा क्यों है। मास्को वा लेनिनग्राड जैसे शहरों में जो ताकत है, जो लोकशक्ति और सामुदायिक चेतना है, जो राष्ट्रीयता की भावना है। वह दिल्ली के नागरिकों में क्यों नहीं आती है? जब नेपोलियन का हमला मास्को पर हुआ तो आप लोग जानते हैं कि मास्को के नागरिकों ने, यह 19वीं सदी के प्रारम्भ की बात है, पूरी ताकत के साथ विदेशी आक्रमण का मुकाबला किया और उन्होंने यहां तक कुर्बानी की कि पूरी नगरी को अपने ही हाथों में भ्राग लगा दी, लेकिन विदेशी आक्रमण के सामने मास्को नहीं झुका।

पिछले साल, अध्यक्ष महोदय, मैं लेनिनग्राड गया था, जो एक जमाने में रूस की राजधानी था और भक्तूबर क्रान्ति का मायका भी। वहां पर मैंने देखा कि जब जर्मन नाज़ियों ने द्वितीय महायुद्ध के समय उस पर हमला किया तो चार-पांच लाख नागरिक लेनिनग्राड का बचाव करते करते मारे गये, कुरबान हो गये, लेकिन लेनिनग्राड शहर के भन्दर नाज़ियों को उन्होंने अपना पैर रखने नहीं दिया। एक भी परिवार, अध्यक्ष महोदय, लेनिनग्राड में ऐसा नहीं मिला, जिसका कोई न कोई सदस्य हताहत न हुआ हो।

श्री शिकरे (मरमागोब्रा) : क्या उनको जनतांत्रिक अधिकार मिल गये ?

श्री मधु लिमये : लेकिन राष्ट्रीयता तो उनके भन्दर है। लेकिन यहां तो वह भी नहीं है, आप किस बात पर फब्ज करते हैं।

दिल्ली राजधानी की यह ददंभरी कहानी है। आखिर हमें इसकी जड़ में जाना चाहिये। यदि आप जड़ में जायेंगे तो आपको यह बात मालूम होगी कि हमारी जो सामाजिक रचना है, यह बात समूचे देश के लिये लागू होती है, उसमें हमेशा जो पिछड़े हुए लोग हैं,

उनको दबाया गया है। हमारी जो राष्ट्रीयता की चेतना है, लोकतंत्र की चेतना है, उसने छुप्रा तक नहीं है उसमें उन्होंने जगह नहीं पाई और आज यह मौका था कि आप दिल्ली के नागरिकों को भवसर बेते कि वे अपनी हुकूमत बनाते, उस पर नियंत्रण करते लेकिन वह मौका भी आपने खो दिया है और उसका केवल यही कारण है कि दिल्ली कांग्रेस के भन्दर भन्दरूनी झगड़ा है। इसका एक दूसरा कारण यह भी है कि केन्द्रीय सरकार में, इस वक्त जो शासक हैं, जो हाकिम हैं, उनमें सत्ता की लालसा इतनी जबरदस्त है कि हर चीज में सारी ताकत अपने हाथ में रखना चाहते हैं। प्रतिनिधि सभा का गठन करना है तो अंग्रेजों के नामजदगी के सिद्धान्त को ले लिया। पांच प्रतिनिधियों को नामजद करेंगे, अफसरों को भी नामजद करेंगे। आपको मौका था कि आप मेट्रोपालिटन कांसिल सही ढंग से बनाते, लेकिन आपने एक अजीब सिद्धान्त निकाल लिया और कहने लगे कि जहां जहां संघ राज्य होता है, फैडरल स्टेट होती है, कहीं भी राजधानी के नागरिकों को लोकतांत्रिक अधिकार नहीं मिलते। लेकिन मैं समझता हूं कि गहराई में जाकर इस सिद्धान्त के बारे में उन्होंने नहीं सोचा है।

संघ राज्यों की तीन राजधानियों का मैं यहां पर आज खिन्न करना चाहता हूं। एक आप वाशिंगटन को ले लीजिये जो अमरीका की राजधानी है, एक ओटावा को लीजिये जो कॅनाडा की राजधानी है, एक कैनबरा को लीजिये जो आस्ट्रेलिया की राजधानी है। इनके बारे में मैं समझता हूं कि सिलेक्ट कमेटी में जरूर विचार किया गया होगा। एनसाइक्लोपीडिया ब्रिटानिका की चौथी किताब से कैनबरा के बारे में मुझे यह जानकारी मिली है—

"The Australian capital territory is administered by the Department of the Interior. Legislation for the territory is enacted

by ordinance by the Governor-General-in-Council."

लेकिन साथ साथ आस्ट्रेलिया की जो ईयरबुक है, उसमें यह खबर दी गई है कि आस्ट्रेलिया की राजधानी का क्षेत्रफल 949 वर्ग मील है और उसकी जनसंख्या, यह बात याद रखिये, केवल 80 हजार है। आस्ट्रेलिया का जब आप उदाहरण देते हैं तो आपको याद रखना चाहिये कि वहाँ केवल 80 हजार की आबादी है, लेकिन दिल्ली की आबादी, मेरे पास नाज़ा झाकड़ नहीं है, लेकिन 40 लाख के लगभग होगी और दिल्ली में मेहनत-मजदूरी करने के लिये, रोटी कमाने के लिये जो लोग आते हैं

अध्यक्ष महोदय : आपका समय हो गया है ।

श्री मधु लिमये : अध्यक्ष महोदय, हाउस एक दिन बढ़ गया है, इसलिये इसका समय बढ़ा दिजिये ।

अध्यक्ष महोदय : इसको मारा दिन नहीं लिया जा सकता ।

श्री मधु लिमये : पांच मिनट तो और दीजिये मैं पांच मिनट में खत्म कर दूंगा ।

दिल्ली की आबादी 40 लाख है और इसमें आने वाले 20-25 लाख को और मिला दीजिये, क्योंकि दिल्ली की आबादी बढ़ने वाली है । अब अमरीका जैसे देश में, पश्चिमी योरोप के देशों में उप-नगरीय सभ्यता आ गई है, यानी शहरों की आबादी बढ़ने की बजाय, घटती चली जा रही है । मैं वाशिंगटन के झाकड़ आपके सामने रखता हूँ, 1950 में वाशिंगटन की आबादी आठ लाख थी, लेकिन दस साल के बाद करीब-करीब साढ़े सात लाख हो गई है । कुछ दिन पहले खबर आई थी कि न्यूयॉर्क की आबादी भी घटती चली जा रही है, तीन-चार लाख घटी है । अमरीका अब एक ऐसी सभ्यता की स्थिति में पहुँच गया है जिसको सबर्बन-सिविलाइजेशन कह सकते हैं । इस उप-नगरीय सभ्यता में

लोग धीरे-धीरे शहरों के मध्य से दूर चले जा रहे हैं, क्योंकि उनके पास कारे और गाड़ियाँ हैं, लेकिन इसके मुकाबिले में दिल्ली की आबादी बढ़ रही है, बहुत ज्यादा तेज़ी से बढ़ रही है, हालाँकि दिल्ली में रहने को मकान नहीं मिलता है, महंगाई बढ़ रही है, लेकिन इसके बावजूद भी दिल्ली की आबादी बढ़ने वाली है ।

इसी तरह से आप भोटावा को देखिये, वहाँ भी राजधानी है, वहाँ पर मेयर चुन जाता है, 22 एल्डरमैन जनता के द्वारा चुने जाते हैं और वे सारा काम-काज करते हैं । आप दिल्ली, बम्बई, कलकत्ता में देखिये, जहाँ जहाँ ये निगम बने हुए हैं, कारपोरेशन, महापालिकायें बनी हुई हैं, वहाँ भी म्युनिसिपल कमिश्नर के हाथ में सारे अधिकार हैं । जो नगर-पालिकाओं के चुने हुए सदस्य हैं, उनको आपने सारे अधिकारों से वंचित रखा है, इस तरह से प्रजातन्त्र की हत्या हो रही है ।

अन्त में मैं प्रॉब कलंगा, मुभद्रा जी ने उल्लेख किया, रेणु जी भी बैठे हुए हैं, उनका समर्थन करने की जरूरत नहीं है, लेकिन चूंकि वह पहले बोल चुकी हैं मैं उनकी ओर से कुछ बोलूंगा । मुभद्रा जी ने कहा कि बिरोधी दल, खास करके कम्युनिस्ट, सोशलिस्ट आदि लोग सम्प्रदायवादी तत्वों या जो प्रतिक्रियावादी तत्व हैं, उनके साथ मेल-मिलाप कर रहे हैं । मुभद्रा जी के सामने मैं एक मराठी कहावत रखता हूँ । यह मराठी कहावत है :

"आपला तो बाव्या
दुमर्याचा का रटा !"

आप अपनी बात को तो नहीं देखते हैं । केरल में एक लोकतन्त्रात्मक हुकूमत को खत्म करने के लिये आपने मुस्लिम लीग के साथ समझौता किया । मुभद्रा जी को अपनी साम्प्रदायिकता की याद नहीं है

22 hrs.

श्री प्रकाशचौर शास्त्री (विजयीर)
अपनी आँख का जहनीर भी दिखाई नहीं देना

[श्री प्रकाशवीर शास्त्री]

है, दूसरे की छांछ का तिनका भी दिखाई देता है ।

श्री मधु लिमये : सुभद्रा जी कहती है ये प्रकालियों के साथ मिल गये । लेकिन इन्होंने यानी कांग्रेस ने प्रकाली दल के साथ, एक साम्प्रदायिक दल के साथ गठजोड़ किया था, प्रकाली दल को तो पचाने की भी कोशिश की थी । लेकिन आत्म-निर्णय का मारा देकर मास्टर तारा सिंह घापका पेट फाड़ कर बाहर धा रहे हैं । मैं सुभद्रा जी की बहुत कद्र करता हूँ, बहुत इज्जत करता हूँ । लेकिन मैं कहना चाहता हूँ कि कांग्रेस के अन्दर जितनी दक्षियानुसी प्रवृत्तियाँ हैं, जितनी प्रतिक्रियावादी और फिरकापरस्त शक्तियाँ हैं उतनी विरोधी दलों में नहीं हैं । फर्क इतना है कि विरोधी दलों में जो साम्प्रदायिक शक्तियाँ हैं या दक्षियानुसी शक्तियाँ हैं वे ताकत में नहीं हैं लेकिन कांग्रेस के अन्दर जो साम्प्रदायिक शक्तियाँ हैं, दक्षियानुसी शक्तियाँ हैं वे ताकत में हैं और 18-19 साल से ताकत में हैं । उन से मुल्क को ज्यादा खतरा है । मैं रेणु चक्रवर्ती जी और दूसरे सभी विरोधी दलों से कहूँगा कि कांग्रेस की यह जो ताकत है, यह जो साम्प्रदायिकता है, ये जो प्रतिक्रियावादी तत्व हैं, इनको हराने के लिए अगले चुनाव में वे एक हो जाएँ । विचारधारा का मवाल नहीं है इस वक्त और इसको हमें लाना भी नहीं चाहिये । केवल इस खुरी ताकत को हराने के लिए और यह जो एकाधिकार कांग्रेस दल का हो गया है उससे मुक्ति दिलाने के लिये विरोधी दल आपस में समझौता करके इस दल को एक टुकड़ा हटायेँ और लोकतंत्र को मुल्क में बचायें ।

श्री भीमारायण बास (दरभंगा) : अध्यक्ष महोदय, दिल्ली प्रशासन सम्बन्धी विधेयक प्रवर समिति से आकर इस सदन में विचारार्थ उपस्थित है । जब इसे प्रवर समिति में भेजने का प्रस्ताव इस सदन में हुआ था और उस समय जो वाद विवाद इस पर

हुआ था, उस समय जो डम पर दलीलें दी गई थीं लगभग घाज भी वही दलीलें पक्ष में या विपक्ष में दी जा रही हैं ।

इस बिल पर बोलते समय जितनी बातें कही गई हैं मैं समझता हूँ कि उन में से बहुत सी इस बिल से सम्बन्धित नहीं हैं । दिल्ली में कैसा प्रशासन हो, जैसा कि और राज्यों में प्रशासन है, वैसा हो या न हो, इस प्रश्न पर यहां पर विवाद उठा हुआ है । कुछ माननीय सदस्य ऐसे हैं जो कहते हैं कि दिल्ली में भी जैसे और राज्यों में विधान सभाएं हैं और मंत्रिमंडल हैं जो कि विधान सभाओं के प्रति उत्तरदायी हैं, वैसे ही विधान सभा हो और मंत्रिमंडल हो जो कि विधान सभा के प्रति उत्तरदायी हो । केन्द्रीय सरकार ने जो बिल उपस्थित किया है वह ठीक इसके विरुद्ध तो नहीं जाता है लेकिन इस बिल के जरिये से जो मेट्रोपोलिटन काउंसिल बनाई जा रही है वह एक सलाहकार समिति कही जा सकती है । दिल्ली प्रदेश के सम्बन्ध में जितने भी भी विधेयक इस सदन में पेश किये जायेंगे या जो बजट पेश किया जायेगा उस सम्बन्ध में विचार करने का डम काउंसिल को अधिकार होगा । जो कुछ भी मेट्रोपोलिटन काउंसिल कहना चाहेंगी सिफारिश के तौर पर उन सारी बातों के सम्बन्ध में उसको कहने का इसे अधिकार होगा । जो विधेयक दिल्ली के सम्बन्ध में यहां पर विचारार्थ पेश पेश किये जायेंगे उन पर इसको राय देने का अधिकार होगा । इसलिए कोई मौलिक सिद्धान्त का प्रश्न नहीं उठता है ।

यह ठीक है कि हिन्दुस्तान के सभी प्रदेशों के लोगों को प्रजातांत्रिक ढांचा मिला हुआ है, अपना काम आप करने का अधिकार मिला हुआ है । दिल्ली प्रदेश जिसकी आबादी लगभग 30-32 लाख है, यहां के लोग भी चाहते हैं कि जिस तरह से अन्य केन्द्र प्रशासित क्षेत्रों में विधान सभाएं बना दी गई हैं उसी तरह से यहां भी विधान सभा बना दी जाए और यहां भी सारा जितन पैरफरनेलिया

होता है, प्रान्त का, वह दिल्ली वालों को भी प्राप्त हो। केन्द्रीय सरकार ने जो विधेयक सदन के सामने उपस्थित किया है मैं समझता हूँ कि इस मत से यह बिल्कुल मेल नहीं खाता है। यह सही है कि यह जो पार्लियमेंट है, यह जो सदन है, यहां हम दिल्ली के सभी मामलों पर विचार करते हैं। इस सदन में पांच, छः जनता द्वारा चुने हुए प्रतिनिधि उपस्थित हैं। बाकी जितने प्रतिनिधि हैं वे सारे देश के प्रतिनिधियों के रूप में बैठे हुए हैं। ऐसी हालत में मेरा खयाल है और जैसा मैंने देखा भी है दिल्ली की जनता का क्या मत है यह तो मैं ठीक ठीक नहीं बता सकता हूँ—कि यहां दिल्ली के जो प्रतिनिधि हैं, उनका जो मत है वह बहुत मत से इस बात के हक में है कि यहां बाजान्ता विधान सभा की स्थापना की जाए और मंत्रिमंडल का निर्माण किया जाए और जो मंत्रिमंडल हो वह विधान सभा के प्रति उत्तरदायी हो। मैं इस बात का समर्थन करता हूँ कि हिन्दुस्तान के और भागों को जिस प्रकार के प्रजातांत्रिक अधिकार मिले हुए हैं वैसे ही अधिकार दिल्ली वालों को भी मिलें। लेकिन जैसा कि केन्द्रीय सरकार की तरफ से बताया जाता है कि दिल्ली हिन्दुस्तान की राजधानी है और यहां अगर एक प्रदेश की तरह से शासन चलेगा तो उसमें और केन्द्र की सरकार में संघर्ष का मौका पैदा जाया करेगा। जब पहले यहां दिल्ली में विधान सभा चलती थी तब जो मंत्रीमण्डल उनके कामों में और उसी में सम्बन्धित केन्द्रीय मंत्रियों के कामों में बहुधा संघर्ष हो जाया करता था। जैसे जो स्वास्थ्य मंत्री दिल्ली के थे और जो केन्द्र के थे उन दोनों के कामों में संघर्ष उपस्थित हो जाया करता था। जब स्टेट्स का रिपार्मेंटेशन हुआ तो दिल्ली को जो विधान सभा दी गई थी उसको स्थगित कर दिया गया। अभी जितना वाद-विवाद इस विधेयक पर हुआ है और जिस सिद्धान्त को इस विधेयक को प्रवर समिति के सुपुर्द करते समय मान लिया गया था और जिस रूप में यह वहां में लौट

कर आया है और इस बिल के पीछे जो सिद्धान्त था उसको वहां भी मान लिया गया था, उसको देखते हुए मैं समझता हूँ कि जितनी बहस यहां हो रही है वह इस बिल के बाहर की हो रही है, इस बिल के बाहर की बातें कही जा रही हैं। इस वास्ते मैं समझता हूँ कि हम सब को जो मेट्रोपोलिटन काउंसिल दी जा रही है उसको मान कर चलना चाहिये...

श्री बाबू प्रकाश (बाह्य दिल्ली) : मैं जिम्मेदारी के साथ कहना चाहता हूँ कि पांच साल के अन्दर जब कि यहां पर मंत्रिमंडल या एक भी ऐसी फाइल नहीं है जिससे यह साबित होता हो कि गवर्नमेंट आफ इंडिया और दिल्ली एडमिनिस्ट्रेशन के अन्दर कोई इच्छतावाक हुआ हो। एक भी फाइल नहीं है।

श्री भीमारायण बास : मेरे पास इसकी कोई पक्की जानकारी तो है नहीं। लेकिन प्रवर समिति के सामने जो एबीडेंस आया उसमें माननीय सदस्य श्री कामत जो यहां बैठे हुए हैं उन्होंने अपने प्रश्नों में इस बात का जिक्र किया था उन से जो इस कमेटी के सामने अपने विचार प्रकट करने के लिए आए थे। उन्होंने बताया था कि स्वास्थ्य मंत्री जो केन्द्र के उस समय थे और दिल्ली एडमिनिस्ट्रेशन, में जो तत्कालीन स्वास्थ्य मंत्री थे, उन दोनों के विचारों में कुछ संघर्ष हो गया था। इसी वास्ते मैंने कहा है कि इस बारे में और अधिक जानकारी लेने की जरूरत है और वह ली जाएगी।

मैं यह कह रहा था कि जो प्रौढिक प्रश्न यहां उठाया गया है उसमें मैं समझता हूँ कि इस बिल का कोई ज्यादा सम्बन्ध नहीं है। मेरी राय यह है और मैं केन्द्र से अनुरोध भी करूंगा कि वह इस मेरी राय पर विचार करे कि दिल्ली की जनता की राय को देखते हुए यह आवश्यक प्रतीत होता है कि किसी

[श्री श्रीनारायण दास]

ऐसी संस्था का निर्माण किया जाए दिल्ली के लिये जिस संस्था को उससे और ज्यादा अधिकार दिये जा सकें जो अधिकार कि दिल्ली की मेट्रोपोलिटन काउंसिल को दिये जा रहे हैं। बाजास्ता विधान सभा और इसके बीच में कोई संस्था बनाने के लिए उन्वाधिप्राप्त प्रायोग की नियुक्ति की जाय जो कि सारे बौधानिक प्रश्नों पर विचार करे और दिल्ली की जनता की राय को देखते हुए और केन्द्रीय सरकार का जो मत है उसको देखते हुए एक ऐसा ढांचा दिल्ली के लिये तैयार करे जिससे उस संस्था को कानून बनाने के या जो वित्तीय अधिकार हैं, वे मिल सकें, वैसे अधिकार मिल सकें जैसे कि प्रसेम्बली को मिले होते हैं। मैं समझता हूँ कि बजट वगैरह पास करने तथा दूसरे सभी अधिकार देते हुए ऐसी संस्था का निर्माण होना चाहिए जिससे कि केन्द्रीय सरकार के साथ उसका कोई संघर्ष न होने पाए। इसलिए अभी इस बिल को मान लिया जाना चाहिए। मैं अपील करूंगा कि मेट्रोपोलिटन काउंसिल का प्रयोग किया जाए और तब तक उन्वाधिकार प्राप्त कमेटी जो बनेगी उसकी रिपोर्ट भी घ्रा जाएगी और सरकार और सदन भी उस पर विचार करके कोई ऐसा ढांचा निकाल सकता है जिससे प्रजा-तांत्रिक ढांचे से अधिक अधिकार दिल्ली की जनता को दिये जा सकें।

दूसरा सुझाव मैं यह देना चाहूंगा कि जब तक मेट्रोपोलिटन काउंसिल नहीं बनती है या कोई ऐसी संस्था नहीं बनती है जो कि सलाह देने वाली संस्था हो, तब तक केन्द्रीय मंत्रिमंडल में एक विशेष मंत्री कैबिनेट के अधिकार का होना चाहिये जो दिल्ली के सारे कामों की देख भाल करे। मेरा जो सुझाव है उससे मैं समझता हूँ, दिल्ली की जनता के लिये बहुत से काम करने में सुविधा होगी और प्राजकल जो देरी होती है वह नहीं हो सकेगी। दिल्ली प्रफेचर्स की

देखभाल के लिये एक मंत्री यहां पर आवश्यक होना चाहिये।

अब मैं ज्यादा समय नहीं लेना चाहता हूँ। यह जो विधेयक हमारे सामने प्रस्तुत किया गया है और प्रवर समिति से प्राया है, उसमें बहुत से सुधार किये गये हैं। और थोड़े बहुत संशोधन करने की अगर आवश्यकता हो, और मैंने कुछ छोटे छोटे संशोधन दिये हैं, कई और माननीय सदस्यों ने भी दिये हैं, उन संशोधनों को स्वीकार करके इस विधेयक को पास करना चाहिये मेरी अपील है कि जिस मेट्रोपोलिटन काउंसिल की स्थापना हो रही है उस का प्रयोग करके कुछ दिन देखा जाये, और फिर आगे विचार करके देखा जाये कि दिल्ली के लोगों को प्रजातान्त्रिक ढांचे के पूरे अधिकार देने के लिये क्या किया जा सकता है। प्राजकल जो संविधान हमारा है उसमें अगर इसके लिये संशोधन करने की आवश्यकता हो ऐसे अधिकार देने के लिये तो उसमें उचित संशोधन कर देना चाहिये।

Mr. Speaker: Shri Kandappan. No member will take more than 10 minutes.

Shri S. Kandappan (Tiruchengode): Sir, I have gone through this Bill very carefully and I also listened to the observations made by the hon. members over this Bill. I am constrained to say that I do not find any necessity for this kind of a Bill. According to the long title the intention is to provide for the administration of the Union territory of Delhi and for matters connected therewith. Delhi is already administered by the Delhi Municipal Corporation and they have got certain Acts governing the proceedings of the corporation; they have also got the Delhi Development Act. If it is felt that the government does not have a sufficient hold over the administration of Delhi, I think they can suit-

ably amend the constitution relevant to the administration of Delhi instead of duplicating and multiplying the administration machinery by bringing in a measure of this kind. The government seems to think that by simply creating and multiplying the institutions they are doing something solid and delude themselves that they have achieved some thing very concrete. In fact yesterday, the House has been entertained over the demagoguery of the Planning Minister for half an hour. (An Hon. Member: Scholarship). Mr. Asoka Mehta, the newly baptised Congressman was till recently one of the staunchest critics of the government's policies claimed that they had achieved remarkable success over the past twenty years. What they mean by achievement is, I think, simply proliferation of administrative establishments like this one.

After saying this, I would like to say a few words about the clauses in this Bill. It is regrettable that there is not even a semblance of a representative body that is being conferred on the proposed metropolitan council. I find, that apart from the 49 elected councillors, Government may nominate not more than five councillors to the metropolitan council. This is a very strange procedure. Why the Government should nominate for the Metropolitan Council, I am not able to appreciate. Shri Kamath, in his Dissenting Note, points out that the professions or the minority communities or the special interests which the persons nominated on the metropolitan Council are intended to represent should be clearly specified in the Bill. I would rather say that apart from specifying them, it is the Council that should get the powers for co-opting members. That would have been a better procedure than that which is adopted here.

I would like to tell the Government that this is what is being done in Madras with regard to the civic bodies. We have a rather healthy

convention; because, when the Opposition Party which is not in the good books of Central Government gets a leading role in the Metropolitan Council, with a narrow majority of one or two votes, the Government could easily tilt the balance by their own nomination, whereas if the Council gets that power to co-opt members, they could have a safer majority and they could be secure in position to carry on the administration.

Then there is the Executive Council. I find there is one executive councillor designated as the Chief Executive without being given any powers whatsoever. I do not know why this adjective "Chief" is being added to a councillor among the four, since, I find from the Bill that it is the Administrator who is going to preside over the Executive Council.

Then, practically, neither the Metropolitan Council nor the Executive Council—I could find nowhere in the Bill—has a mandate to supersede the Administrator. The Council must only confine to giving suggestions; they could make their observations and submit them to the Administrator and could do nothing about it. On page 10 of the Bill, clause 24(1) says that the rule made by the Administrator shall prevail. So, there is no mandate given to the Council to do anything superseding the Administrator. On page 5, clause 11(2) says:

"The Administrator may, from time to time,

- (a) prorogue the Metropolitan Council;
- (b) with the approval of the President, dissolve the Metropolitan Council."

He can prorogue or dissolve it or do anything according to his whims and fancies. So, why such a farce of this Council is being constituted for this metropolitan city, I am unable to understand.

I would like to say that I should not be misunderstood as saying something that we do not appreciate, that

[Shri S. Kandappan]

there should not be any new institution or some changes in the metropolitan city. I am one with those who want some changes in the administrative set-up of the metropolitan city of Delhi, but not the kind of vogue institutional changes enunciated here; I want some basic changes, keeping in view the federal character of our country.

There are quite a number of Indian communities living in the metropolitan city. I wish the Government should consider about making some provisions so that all the communities living in the federal capital may feel at home. They should be made to play a constructive role in the civic administration of the metropolitan city. There are so many ways and means to do that, but I would like to mention only one thing, and that is, with regard to the language.

In the beginning itself, this report says that the Committee are of the opinion that the question of language or languages to be used in the Metropolitan Council should be left to be determined by the Metropolitan Council itself, and that it need not be provided by the statute. I do not think the Metropolitan Council will decide something in favour of the minority communities. Government, I suspect, is not honest in what it professes to be. Apart from giving place to Hindi, Urdu and English, there should be scope at least for the major communities like Tamilians, Bengalis, Punjabis, Malayalees, etc. to have their say, so that the administration may be in direct contact with the Public and there may be fair-play so far as the people living in Delhi are concerned. The claim that the cohesive force of Hindi is needed for the unity of this country was amply disproved during the recent Indo-Pak conflict, when this country rose as one man, from Kashmir to Kanyakumari, to resist the Pakistani aggression, without the so-called cementing force of Hindi. I would

urge upon the Government to bear this in mind.

With these words, I totally oppose this Bill and request the Government even at this late stage to bring a Bill which would assure a durable, suitable and proper federal set-up for the cosmopolitan city of Delhi.

श्री अरविंद सिंह सिद्धू स्त्री (अजमेर) :

माननीय अध्यक्ष महोदय, मैं कुछ बातें आपके द्वारा लोक सभा की सेवा में निवेदन करता हूँ। यह जो महानगर परिषद् का विधेयक सामने रखा हुआ है कि यह बननी चाहिए, सरकार ने यह चीजें इसमें रखी परन्तु जनता के द्वारा जो चुने जायें सारे सदस्य तो फिर मनोनीत करने का क्या अभिप्राय है? नामजद क्यों किये जायें? सब के सब वैधानिक रूप से चुने जाने चाहिए और इसके साथ फिर कार्यकारिणी या मन्त्रिमण्डल कहिए उसका फिर क्या हाल होगा? सरकार या राष्ट्रपति उनको चुनेगा तो जनता के चुने हुए सदस्यों के हाथ में कोई सत्ता नहीं रह जाती। इस तरह से अगर एग्जीक्यूटिव बाढ़ी और कौंसिल में झगड़ा हो जाता है तो उस झगड़े के अन्दर एग्जीक्यूटिव अगर नहीं चाहती तो कुछ करना तो कौंसिल बेकार रह जाती है। इस लिए सब वैधानिक अधिकार इसको देने चाहिए।

अब दूसरी चीज यह है कि वित्तीय अधिकार कुछ नहीं दिये जा रहे हैं। यह सा हो सकता है कि लोक-सभा एकमुश्त यह कह दे कि इतनी राशि दी जाती है। परन्तु उसके वितरण का अधिकार महानगर परिषद् का ही होना चाहिए, म कि वह भी फिर लोक-सभा ही करे अथवा दूसरी कोई चीज की जाय। फिर लोक सभा, महानगर परिषद् और इधर नगर निगम के चुनाव एक साथ हों, तब तो गलियों को साफ करने वालों का एक चुनाव हो, फिर दूसरा महानगर परिषद् का हो और फिर तीसरा लोक-सभा का हो, तो इसमें

इतने झगड़े होंगे कि कोई निर्णय नहीं हो सकेगा। साल भर के लिए जब नगर निगम के चुनाव को सरकाया गया तो यह कौनसी बात है कि इन्टरिम बनाया जाय चार महीने या छः महीने के लिए? इसको भी प्राग बड़ा दिया जाये। ऐसी क्या बात आ गई कि अभी इसको किया जाय? साथ ही में भाषा के ऊपर निर्णय हो चुका है तो इसके घनदर भाषा के बारे में कोई बात नहीं कही गई है, यह एक नया झगड़ा देश के घनदर सरकार लाना चाहती है।

अब मैं कुछ सामान्य बातें कहना चाहता हूँ। दिल्ली का नाम जब आता है तो हमारा हृदय बल्लियों उछलने लगता है। दिल्ली का धीर हमारा तो वैसा ही सम्बन्ध है जैसे कि इस शरीर के घनदर हृदय का सम्बन्ध होता है। आदरणीय मधु लिमये जी ने लेनिन ग्रेड का तो पता चल गया लेकिन दिल्ली का नहीं चल सका। महाराष्ट्र का जो सम्बन्ध पूना से है, राजस्थान का जो सम्बन्ध चित्तौड़ से है, आन्ध्र प्रान्त का जो सम्बन्ध सौभाग्य नगर से है वही इस विशाल नगर दिल्ली का सम्बन्ध हरियाना से है। आज कोई दस साल से आया, कोई बीस साल से आया, कोई पन्द्रह साल से आया, मैं उनको घुसपैठिये तो नाम नहीं देता, मैं उनको मेहमान नाम देता हूँ, मेहमान बन करके आये, हमने जगह दी उन लोगों को, जंगलों में बसाया और फिर अब वह यह कहते हैं कि दिल्ली वालों, तुम लोग कौन हो, तुम दूर रहो, तुम्हारा यहां कुछ नहीं, हम मालिक बनना चाहते हैं दिल्ली के। मुझे तां अभ्यक्ष महोदय, सन्देह है, कल माननीय आभा साहब की कोठी पर जो दुर्घटना हुई, हो सकता है कि आभा साहब के नादान दोस्तों का वृहन्व हो जो कि कांग्रेस के घनदर का दूसरा दस है, उसको फंसाने के लिए दुरभिसन्धि की जा रही हो, ऐसा भी हो सकता है। तो मेरा कहना यह है कि दिल्ली के बारे में इतना ही नहीं सोचना है, दिल्ली राजधानी है तो राजधानी के अनुसार इसको सब वैधानिक अधिकार मिलने चाहिए। जैसे धीर भी

राज्यों को विधान सभाओं का अधिकार है, वैसे ही दिल्ली को भी मिले। सरकार चाहती है कि यह केन्द्र की राजधानी हो, हम मानते हैं कि केन्द्र की राजधानी हो। यह जो परकोटे के भीतर दिल्ली थी उसके बाहर जो बसायी है वह केन्द्रीय सरकार ले ले। लेकिन जो परकोटे के घनदर की दिल्ली है वह पूरी की पूरी हमारी है। हम उसके घनदर पूरा अधिकार चाहते हैं। श्री मधु लिमये जी ने यह भी कहा कि दिल्ली मदा झुकती आयी। उनको दिल्ली के इतिहास का पता नहीं। न जाने कितनी बार बाहर के आक्रमणकारी दिल्ली में आये और मार खाकर चले गए। और जो बसे वह हमारे पांव के नीचे धाकर बसे। दिल्ली कभी झुकी नहीं। इस क्षेत्र के घनदर काफी समय तक मुगलों का राज्य रहा। लेकिन हमारे जंगल के घनदर कभी कोई मोर को भी नहीं मार सकता था। दिल्ली की वह शक्ति रही है। इसको यह कहना कि दिल्ली झुकती आयी, बिल्कुल गलत है। दिल्ली कभी झुकी नहीं। ऐसी बात कहना, यह दिल्ली के इतिहास से अपनी अनभिज्ञता प्रकट करना है।

मेरा यह कहना है कि दिल्ली को पूरे वैधानिक अधिकार मिलने चाहिए, पूरी वैधानिक सत्ता इसको मिले और पूरा इसको हक हो जिसे कि दिल्ली जैसे पहले भी, वैसी ही हो सके और यह राष्ट्र का एक सुरक्षित गड है। इसलिए इसको पूरी सत्ता देनी चाहिए। यही मेरा अभिप्राय है।

श्री ज० ब० कृपालानी (धर्मरोहा) : अध्यक्ष महोदय हमें इस बिन पर कुछ बोलना नहीं था। लेकिन मधु लिमये जी का आचमन मुन कर के हम को भी ख्याल आया कि हम कुछ अपना ख्याल यहां जाहिर करें। जो कांस्टिट्यूशनल पोजीशन उन्होंने रखा है उससे मैं सहमत हूँ और अभी जो मेरे भाई ने आचमन किया उसमें भी मैं सहमत हूँ कि कांस्टीट्यूशनल टाउन मिफं नहीं दिल्ली है, दिल्ली नहीं है। और दिल्ली भी है उसको यह

[श्री ज० भ० कृपालानी]

जो नया प्रान्त बनाया जा रहा है जिसका नाम है हरियाणा प्रांते तो खाली हम हरियाणा के बेल जानते थे...

श्री जगदेव सिंह सिद्धान्ती : भव लोक सभा के सदस्य भी देख लिए।

श्री ज० भ० कृपालानी : भभी श्रीरों का भी पता हम लोगों को लगना था मैं समझता हूँ कि.....

अध्यक्ष महोदय : बेल भावारा तो नहीं फिर रहे थे किसानों के ही हाथ में थे।

श्री हरि विष्णु कामत (होशंगाबाद) : कांग्रेस का चुनाव निशान भी बेल है।

श्री ज० भ० कृपालानी : तो मैं समझता हूँ कि यह बहुत अच्छा होता कि दिल्ली जो है वह हरियाने में मिला दी जाती और वह हरियाना को भी मालूम होता और दिल्ली को भी मालूम होता कि जैसे दूसरे स्टेट्स को कॉन्स्टीट्यूशनल गवर्नमेंट मिली है वैसे ही उनको भी मिली और न्यू देहली जो है उसमें राजधानी है हमारी उसको जैसे गवर्नमेंट प्राफ इण्डिया चलाना चाहे या न चलाना चाहे वैसा करे।

उसके अलावा एक दूसरी बात मुझे कहनी है और वह अत्यन्त जरूरी है कि वही कॉन्स्टीट्यूशन बनाया जाय जिसमें मेहरचन्द खन्ना साहब और चौधरी ब्रह्मप्रकाश राजी हों क्योंकि जब तक वह राजी नहीं होंगे तब तक यह बात चलेगी नहीं और यह भी मैं कहना चाहता हूँ कि यह प्राज दिल्ली का विधान बनाया गया है उसमें जैसे अंग्रेजी को कहा जाता है कि इट इज माइबर फिश नोर फाउल लेकिन बेजीटेरियस काफ़ी हैं इसलिए कहना चाहिए कि इट इज नोट ईवज ऑनैस्ट बाल रोडो क्योंकि 3 टायस एक म्युनिसिपैलिटी एक एक्जीक्यूटिव कौंसिल यह क्या है? किस

चीज की बला है और जिस दिमाग से यह निकला उस दिमाग की भी तारीफ़ करनी चाहिए यह एक ऐसा भूत निकाला है उसकी तारीफ़ करनी चाहिए। फिर गवर्नमेंट प्राफ़ इंडिया है। फिर कहते हैं एक डेवलपमेंट एथारिटी भी है इसलिए तीन नहीं है यह तो फोर हंडेड मास्टर होगा। मैं कहता हूँ कि यह ज्यादा दिन तक चलेगा नहीं और जो एजिटेशन प्राज चल रहा है वह भी चलेगा और जो सरकार काम करना चाहती है वह भी नहीं होगा। लेकिन यह सरकार उलटा ही काम करती है। इतना जरूरी भी नहीं था इस बिल को इस तरीके से लाना इस शकल में लाना। यह एक बहुत बेकार बात है। इस वजह से मैं समझता हूँ कि इस बिल को वापिस लिया जाय और फिर प्रपोजीशन पार्टीज वगैरह को बैठ कर कोई मोर सूटबल बिल लाना चाहिए। बस मुझे इतना ही कहना था।

The Minister of State in the Ministry of Home Affairs and Minister of Defence Supplies in the Ministry of Defence (Shri Hathi): Mr. Speaker, Sir, during the course of the debate several points have been raised by hon. Members. I would broadly divide those points into four main categories. The first point was as to why Delhi should not be given a Legislative Assembly like the other Union territories and if there is a Constitutional bar, we can amend the Constitution. The second point was that within the framework of the Constitution it is possible to give a Legislative Assembly and also financial powers. The third point that was raised was that if it is not possible within the framework of the Constitution to give a Legislative Assembly or financial powers, make certain amendments may be made whereby a kind of responsible government or a democratic set-up comes into existence. The fourth point was that some suggestions or amendments in the working of the

present Bill for Metropolitan Council and the Executive Council were made. The last suggestion Acharyaji gave was why not have old Delhi separated from New Delhi and that old Delhi may be a part of Haryana. But that is not within the theme of this Bill.

Shri J. B. Kripalani: You have forgotten the other aspect that I gave, namely, that if two big leaders of Delhi are not united, your Bill will not succeed.

The Minister of Works, Housing and Urban Development (Shri Mehr Chand Khanna): We are following the good example of U.P.

Shri Maurya (Aligarh): Are we to follow the example of foreign countries? Let the foreign countries follow us.

Shri Hath: It is not my habit to touch extraneous matters. The two leaders do not find a place in the Bill. If there is a difference of opinion, they can settle it somewhere. So far as the Bill is concerned, I would not touch that point because that is not my habit.

Shri Hari Vishnu Kamath Shri Khanna has helped you there.

Shri Hath: As to the first point, namely, why not give Legislative Assembly and Council of Ministers to Delhi, it has been explained here in the House more than once that so far as article 239A stands, the power of Parliament to give a Legislative Assembly or to provide for a Legislative Assembly is restricted only to five Union territories mentioned therein. Article 239 says that in Union territories the administration will be by the President through an Administrator. Now, it may be said, as had been argued, why not amend the Constitution. Then the question is that the Constitution can be amended provided it is intended....

Shri Maurya: I would like to have the interpretation of "Save as otherwise provided by Parliament by Law". How do you interpret this?

Shri Hath: I will come to that. Shri Shiv Charan Gupta had touched this point which the hon. Member just now raised. He says that the interpretation of "Save as otherwise provided" is that although article 239A provide for giving a Legislative Assembly only to the five Union territories, article 239 says that it can be given because the powers are given under articles 245 and 246 to Parliament to make laws for any State of India with regard to certain subjects and he says that the creation of a Legislature also would come within articles 245 and 246. He started by saying that the Minister's statement is rather confusing. I do not know. I would like to know whether there is confusion here or there is confusion there. Articles 245 and 246 which give power to Parliament to make laws is not a power to have a Legislature in a State. That is to be given by the Constitution itself and because the Union territories were to be administered by the President through an Administrator there was no question of a Legislature being given. Therefore article 239 was specially amended and new article 239A was brought in.

Then, the second point was that if this was not possible, give something which would have some essence of democracy. Shri Madhu Limaye said that this is a Bill which really destroys all the elementary principles of democracy which are that the government should be responsible to the people, that the ministers should be elected and they should be responsible. These are all the elements which we know, but let us be honest about it. The Government made it clear on various occasions and for reasons which we have said that in a capital it is not possible. It is not the intention to have a democratic, responsible government in Delhi. That is clear. Therefore it is not that we are dishonest about it. Are we saying that we are coming forward with a government which is going to be a democratic and responsible government and still we keep back cer-

[Shri Hathi:]

tain things? That is not so. The Constitutional position is that the President administers the Union territory through an Administrator. That is the present position. We are going a step further, as Subhadraji said, and with this administration we are associating the elected representatives of the people.

Shri J. B. Kripalani: To exercise patronage.

Shri Hathi: Whatever it may be, but it is one step forward. Therefore all such suggestions which go to say, why not the leader of the party be the Chief Executive councillor, why should he not nominate others, why should they not be responsible, why should they not be removed by a vote of no confidence—all these are permissible provided we come forward with a proposal that we are giving a democratic, responsible government to the people of Delhi. I will be honest about it. We are not doing that. Let us be honest. Even to Brahm Prakashji and others it has been made very clear that this is not the intention. The intention is to give some more power and to have an administration which will be a unified administration where, for example, DDA will be under this government. Therefore, that question will not arise now, as Acharya Kripalani has said.

Shrimati Renu Chakravarty raised the question of multiplicity of various organisations. In any State, even in Bombay, there has to be the Electricity Board, there has to be the Transport Corporation, there has to be the local body, the Municipality and all that. These bodies are to be there. But they all will be unified in the Administration.

Then, another question raised by Shri Kamath and Shri Madhu Limaye was with regard to my amendment which says that the Government servants.....

Shri Hari Vishnu Kamath: That has not been moved yet. He is not in order to speak on that now.

Shri Hathi: It has been criticised and let me explain the position. The position is this that under clause 19 of this Bill, persons who are disqualified to be Members of Parliament under article 102 or the Representation of People Act are also disqualified. Therefore, Government servants also will be disqualified. That is there. But here we had mentioned it to make it absolutely clear. Under clause 3, it is provided:

"The Central Government may nominate not more than five persons, not being persons in the service of Government, to be members of the Metropolitan Council."

So, the idea is that the Government servants cannot be appointed. But this is being covered already by article 102 which disqualifies persons who are disqualified to be Members of Parliament. Clause 19 provides that those persons who are disqualified to be Members of Parliament will be disqualified to be Members of this Council and in the Executive Council, Members from the Metropolitan Council are to be appointed. Therefore, it was only to make it clear. This was only to highlight this that these words were introduced. But if it is going to create any confusion or mean that the Government is going to appoint them, I shall certainly drop it and not move it.

श्री मधु लिमये : येरा प्राक्षेप नामजदगी के सिद्धान्त को लेकर है। सरकार को नामजदगी करने का बिलु न कोई अधिकार नहीं है।

श्री हाथी : वह प्रश्न बात है।

Then, the question about the language was touched. There, the Joint Committee came to the conclusion that we should leave it to the Metropolitan Council.

I have touched the most important points that were mentioned by the hon. Members. Now, I want to come to Shri Brahm Prakashji who made a speech which rather pained me to find that he had made personal attacks on the Home Minister. I have great respect for Shri Brahm Prakashji. He is a senior Congressman. He holds a responsible position in the public life. He once adorned the office of the Chief Minister of Delhi. I wondered how it was that he stooped so low as to accuse the Home Minister of following a policy of divide and rule towards the Delhi Congress. He also charged the Home Minister of using questionable means. What are those questionable means? What inducements or bribes has the Home Minister given to other Members? He said that two of these Members are Ministers. Is that sin of theirs that they happen to be Ministers? Is it not a fact that nearly two dozen meetings have been held by the Home Minister with his colleagues to discuss this question?

Shri Mehr Chand Khanna: Including both these Ministers.

Shri Hathi: Including both these Ministers. Can he deny that the Home Minister has absolutely made it clear that in any new set-up there was no question of giving a Legislative Assembly to Delhi on the grounds that have been explained to them for a number of times? Does he deny that everytime he proposed some changes they were fully considered and discussed? Does he deny that ultimately he had reconciled himself to the position that there would be no Legislative Assembly in Delhi but that if financial powers are given to the Metropolitan Council, he would be satisfied?

Shri Hari Vishnu Kamath: Now the big cat is out of the bag!

Shri Hathi: Does he deny that Shri Shiv Charan Gupta and two other representatives on his behalf discussed the question with the Home Minister

and with myself about the question of financial power and that they were satisfied that that was not possible? Is it not a fact that he said let us examine or consult Shri M. C. Setalvad? Is it not a fact that Shri M. C. Setalvad came before the Joint Committee and he said that....

Shri Hari Vishnu Kamath: He said something else outside?

Shri Hathi: I am coming to that.

It is not a fact that he gave his opinion? I am going to read what he has said. He says:

"This, of course, is matter of policy. But as a constitutional lawyer, I would say that it would be extremely unusual to have a Legislature at the capital where Parliament itself is functioning. There are likely to be conflicts and perhaps deadlocks and delays in the administration."

So far as the financial powers are concerned, he said:

"I do not think within framework of this Constitution, you can invest the Metropolitan Council with any financial powers, for imposition of taxes...."

Is it not a fact that he hopes that Shri M. C. Setalvad might give his opinion.

श्री जीवंत : श्रीमन्. मैं एक महत्वपूर्ण प्रश्न पूछना चाहता हूँ। क्या संविधान इस सरकार को इजाजत नहीं देता है इसलिए वह दिल्ली में एसेम्बली नहीं बनाना चाहती है या बल्कि वह दिल्ली में एसेम्बली नहीं बनाना चाहती है इसलिए वह संविधान की धाड़ लेकर यह सब कुछ कर रही है ?

Shri Hathi: I have said that. I have told him that, if he says that the Constitution comes in the way, it is possible to amend the Constitution provided it is expedient politically and otherwise to have a Legislative Assembly and a Council of State in Delhi which, we think, it is not.

Shrimati Renu Chakravartty (Barackpore): Why? (*Interruptions*).

Shri Maurya: You are taking recourse to the provisions of the Constitution. But can you not amend the Constitution if it comes in the way?

Shri Hathi: Upto this stage the question of bribing someone or the other did not arise.

श्री मधु लिसरे : अध्यक्ष महोदय मन्त्री महोदय कोई दलील नहीं दे रहे हैं।

अध्यक्ष महोदय : जो कुछ दलील वह दे रहे हैं वही सुनी होगी।

श्री मोर : श्री सीतलवाड़ की दलील देने की कोई आवश्यकता नहीं है।

अध्यक्ष महोदय : वह जैसे भी अपना केस रखना चाहते हैं उन को रखने दीजिए।

Shri Shinkre: Why is the Home Minister trying to be wiser than the people of Delhi?

Shri Hathi: I was wondering why should Braham Prakashji come forward with these attacks on the Home Minister saying that he has bribed, he has induced or he has done this or that. I was really sorry that a person of the stature of Shri Braham Prakash whom I have always looked upon as a good and respectable friend....

Shri Hari Vlahnu Kamath: And still look him upon?

Shri Hathi: ...and still I look upon him as a good and respectable person, should have made such a speech. I thought that perhaps it was his frustration, it was his anger, it was his wrath, and when he spoke that day—I was hearing him—he spoke with the force and powers of the ex-Chief Minister with the hopes and aspirations of the would-be Chief Minister perhaps. But all that he spoke was

very bitter and I really felt sorry for what he said. I still hope and feel that it was only an outburst of all his frustration, disappointment, anger and wrath and now that he has given vent to his outburst, that having been subsidied now, he will again become the same, my old good friend, Braham Prakash and will associate in the working of this scheme. Let the frustration or the anger not lead to renounce politics—he resigned from the membership of the Joint Committee—and let the feeling of *sanyas* not overpower him. That is what I would wish.

श्री मोर्य : यह प्रपील तो मंत्री महोदय कांग्रेस पार्टी में कर सकते हैं। यह उन के घर का झगड़ा है इसलिए वह इस को अपने घर में ही—पार्टी में ही—निपटा सकते हैं। इसको इस सदन में लाने की क्या आवश्यकता है?

Shri Hathi: The Joint Committee, after full deliberations, has given the scheme which I would honestly say is not a democratic responsible Government for the people of Delhi. That, of course, is admitted. Instead of an Administrator or a Chief Commissioner in Delhi with different Departments under different Ministries, we are now having a unified administration, and we are associating the elected members of the metropolitan council as members of the executive council, and they will be in charge of the Departments. Therefore, this is a step further, as Shrimati Subhadra Joshi has said. I think that we should all combine and co-operate in making this scheme a success.

Mr. Speaker: The question is:

"That the Bill to provide for the administration of the Union territory of Delhi and for matters connected therewith, as reported by the Joint Committee, be taken into consideration."

Let the Lobby be cleared.

The Lok Sabha divided:

Division No. 19]

AYES

12.56 hrs.]

Akkamma Devi, Shrimati
Alagasan, Shri
Alva, Shri A. S.
Anjanappa, Shri
Bakliwal, Shri
Bai Krishna Singh, Shri
Barupal, Shri P. L.
Baswant, Shri
Batra, Shri
Bhagavati, Shri
Bhakt Darshan, Shri
Bhattacharyya, Shri G. K.
Borooah, Shri P. C.
Brajeshwar Prasad, Shri
Brij Lal, Shri
Chanda, Shrimati Jyotana
Chandrabhan Singh, Shri
Chandrikil, Shri
Chaturvedi, Shri S. N.
Chaudhry, Shri Chandramani Lal
Chavda, Shrimati Johrabai
Chuni Lal, Shri
Daljit Singh, Shri
Das, Shri B. K.
Das, Shri N. T.
Deshmukh, Shri B. D.
Deshmukh, Shri Shivaji Rao S.
Dighe, Shri
Dubey, Shri R. G.
Firodia, Shri
Gandhi, Shri V. B.
Gowdh, Shri
Gupta, Shri Shiv Charan
Jadhav, Shri M. L.
Jadhav, Shri Tulshidas
Jamunadevi, Shrimati
Jena, Shri
Jha, Shri Yogendra
Joishi, Shrimati Subhadra
Jyotishi, Shri J. P.
Karuthiruman, Shri
Kedaria, Shri C. M.
Khanna, Shri Mehr Chand
Kindar Lal, Shri
Kisan Veer, Shri
Koujalgi, Shri H. V.
Kripi Shankar, Shri

Kuroel, Shri B. N.
Lahtan Chaudhry, Shri
Laskar, Shri N. R.
Laxmi Bai, Shrimati
Lonikar, Shri
Mahadeva Prasad, Dr.
Mahida, Shri Narendra Singh
Maimoona Sultan, Shrimati
Malaviya, Shri K. D.
Mandal, Dr. P.
Mandal, Shri J.
Mantri, Shri D. D.
Marandi, Shri
Masuriya Din, Shri
Mehrotra, Shri Braj Bihari
Melkote, Dr.
Minimata, Shrimati
Mishra, Shri Bibhutl
Mohammad Yusuf, Shri
Mohasay, Shri Gokulananda
More, Shri K. L.
Naik, Shri Maheswar
Naskar, Shri P. S.
Niranjan Lal, Shri
Osh, Shri
Paliwal, Shri
Pande, Shri K. N.
Pandey, Shri R. S.
Pant, Shri K. C.
Patel, Shri Man Singh P.
Patel, Shri P. R.
Patil, Shri D. S.
Patil, Shri T. A.
Patil, Shri V. T.
Patnaik, Shri B. C.
Pattabhi Raman, Shri C. R.
Pratap Singh, Shri
Raghunath Singh, Shri
Raja, Shri C. R.
Rajdeo Singh, Shri
Raju, Shri D. B.
Ram, Shri T.
Ram Swarup, Shri
Ramanathan Chettiar, Shri R.
Ramdhani Das, Shri
Rane, Shri
Ranga, Shri
Rao Shri Jagannatha
Rao, Dr. K. L.
Rao, Shri Mudhyal
Rao, Shri Ramapathi
Raut, Shri Bholi
Rwandale, Shri
Reddy, Shri Ramakrishna
Roy, Shri Bishwanath
Sadhu Ram, Shri
Saha, Dr. S. K.
Samanta, Shri S. C.
Sanji Rupji, Shri
Satyabhama Devi, Shrimati
Sen, Shri P. G.
Sham Nath, Shri
Sharma, Shri D. C.
Sharma, Shri K. C.
Shen Narain, Shri
Shinkre, Shri
Shree Narayan Das, Shri
Shukla, Shri Vidya Charan
Siddananjappa, Shri
Siddiah, Shri
Siddeshwar Prasad, Shri
Singh, Shri A. P.
Singh, Shri D. N.
Singha, Shri G. K.
Sinha, Shrimati Ramdulari
Sinha, Shri Satya Narayan
Sinha, Shrimati Tarakeshwari
Soy, Shri H. C.
Subbaraman, Shri
Sumat Prasad, Shri
Tahir, Shri Mohammad
Tiwary, Shri D. N.
Tiwary, Shri K. N.
Tula Ram, Shri
Tyagi, Shri
Ulkey, Shri
Upadhyaya, Shri Shiva Dutt
Vasahya, Shri M. B.
Valvi, Shri
Venkatasubbalah, Shri P.
Verma, Shri K. K.
Virbhadra Singh, Shri
Wasnik, Shri Balkrishna
Yadav, Shri N. P.

NOES

Aney, Dr. M. S.
Bedrudduja, Shri
Berwa, Shri
Bhattacharya, Shri Dimen
Brahma Perakash, Shri
Dharmalingam, Shri
Dwivedy, Shri Surendranath.
Kamath, Shri Hari Vishnu
Kandapen, Shri

Lakshmi Bhavani, Shri
Limaye, Shri Madhu
Maic, Shri
Mourya, Shri
Mukherjee, Shri H. N.
Murti, Shri Sarfaraz
Omkar Singh, Shri
Rajaram, Shri
Sambhyan, Shri

Siddhanti, Shri Jagdev Singh
Singh, Shri Y. D.
Swamy, Shri M. N.
Venkiah, Shri Kolla
Verma, Shri S. L.
Vimala Devi, Shrimati
Vishram Prasad, Shri
Yashpal Singh, Shri

Mr. Speaker: The result of the division is:

Ayes 141;

Noes 26.

The motion was adopted.

Mr. Speaker: We shall now take up the clauses.

Clause 2— (Definitions)

Shrimati Renu Chakravartty: I beg to move:

(i) Page 2, lines 10 and 11, and wherever they occur in the Bill, for "Metropolitan Council", substitute "Metropolitan Assembly". (16).

(ii) Page 2, line 12, add at the end—
"including Delhi Municipal Corporation, New Delhi Municipal Committee, Delhi Milk Scheme, Delhi Development Authority, Land and Development Office and other bodies dealing directly with the civic life of Delhi." (18)

Shri Naval Prabhakar (Delhi Karol Bag): I beg to move:

Page 2, lines 10 and 11, and wherever they occur in the Bill, for Metropolitan Council, substitute 'Shasan Sabha'. (15)

Shri Shree Narayan Das: I beg to move:

Page 2, lines 10 and 11, and wherever they occur in the Bill, for "Metropolitan Council" substitute "Delhi Nagarik Parishad". (17).

Mr. Speaker: These four amendments are now before the House.

Shrimati Renu Chakravartty: As regards amendments No. 16, I would only like to make this demand that the council should be called an Assembly, because as I have already stated, my position is that there should be an Assembly, and if we cannot have it without an amendment of the Constitution, at least we should be in a position to give some powers which will

bring it on a par with an Assembly though not fully having all the powers of an Assembly.

As regards amendment No. 18, I have only sought to extend the definition of 'Delhi' by adding the words 'including Delhi Municipal Corporation, New Delhi Municipal Committee, Delhi Milk Scheme, Delhi Development Authority, Land and Development Office and other bodies dealing directly with the civic life of Delhi. As you know, the Delhi Development Authority and the Land and Development Office etc. are all duplicating bodies. So, I want that all of them should be included, and that is why I want that this definition should be amended.

श्री नवल प्रभाकर : अध्यक्ष महोदय, मैंने जो संशोधन रखा है वह सोच समझ कर रखा है। दिल्ली के अन्दर जैसा शासन हम दे रहे हैं इसके सम्बन्ध में तो विचार हो गया है किन्तु मैं यह चाहता हूँ कि इसका जो नाम करण हो, वह तो कम से कम अच्छा होना चाहिये। इसका मेट्रोपोलिटन जो नाम रखा गया है, वह वास्तव में इसके उपयुक्त नहीं है। यह एक बड़ा अजीबसा और विचित्र नाम रखा गया है। मरी बहुत से लोगों से इस सम्बन्ध में बातचीत हुई है और सबने यह कहा है कि मेट्रोपोलिटन नाम दिल्ली के लिये बिल्कुल उचित नहीं है।

हमारी कुछ ऐसी परम्पराएँ रही हैं कि जब से हम स्वतन्त्र हुए हैं, जहाँ भी विधान सभाएँ बनी हैं या और कोई संस्थाएँ हमने बनाई हैं, चाहे वे नगरपालिकाएँ हों, या शासन से सम्बन्ध रखने वाली संस्थाएँ हों, उन सब को कुछ न कुछ नया नाम दिया है। फिर दिल्ली तो उत्तर भारत का एक अंग है, और दिल्ली से ही हिन्दी चलती है। उत्तर भारत ही क्यों सारे देश के अन्दर जहाँ पहले असेम्बली कहा जाता था, आज विधान सभा कहा जाता है इसी तरह से जहाँ हम आज बैठते हैं, उसको भी लोक-सभा कहते हैं, उधर की जो दूसरी सभा है, उसके नाम का अनुवाद परिषद होना चाहिये था, लेकिन उसको भी राज्य सभा

कहा जाता है। इसलिये मेरा विनम्र सुझाव है और माननीय मन्त्री जी से कहना चाहता हूँ कि आपने अभी कहा कि यह एक ऐसी शासन करने वाली सभा होगी, जो दिल्ली के लिये सुख लायेगी। इसमें क्या होगा यह तो भविष्य की बात है, किन्तु मैं इतना जरूर चाहता हूँ कि इसका नामकरण तो कम से कम ऐसा होना चाहिए, जिससे यहां के लोगों के मन को सन्तोष हो और जो प्रशासन के घन्टर लोग बैठ हुए हैं उनको इस बात का भान होना चाहिये, कि यह वास्तव में कोई चीज है। एडमिनिस्ट्रेशन शब्द का अर्थ आम तौर से प्रशासन के शब्द में किया जाता है। अब जब शासन के लिए एक सभा बनाते हैं, काउंसिल बनाते हैं तो उसके लिए यह जरूरी बात है कि उसमें कुछ ऐसी भावना निहित होनी चाहिये कि यहां के जो नागरिक हैं वे यह महसूस कर सकें, ऐसा वे अनुभव कर सकें, कि इसको एक ऐसा नाम दिया गया है कि जिस पर उनको भी गर्व है। प्रशासकीय जो कर्मचारी हैं उनको भी यह अनुभव होना चाहिये कि जिसके अन्तर्गत वे काम करते हैं, जिन लोगों के साथ बैठ कर वे काम करते हैं, उस संस्था का जो नामकरण किया गया है वह ऐसा है कि जिस पर उनको गर्व है। मैंने इसका नाम दिल्ली शासन सभा रखने का सुझाव दिया है। शासन सभा मैंने इसलिए कहा है कि शासन को चलाने के लिए वहां के लोगों की जो चुनी हुई संस्था होगी और जिसका नाम शासन सभा होगा, इस नाम से उनके मन के अन्दर, यहां के दिल्ली के नागरिकों के मन के अन्दर यह भावना पैदा होगी कि कम से कम इसको नाम तो अच्छा दिया गया है और आगे चल कर जैसा इसका नामकरण है, उसके अनुरूप चला जाएगा। इस बास्ते मैं प्रार्थना करता हूँ कि कि मेरा यह जो सुझाव है, शासन सभा इसको नाम देने का जो सुझाव है इसको स्वीकार कर लिया जाए।

13 hrs.

Shri Shree Narayan Das: My amendment also refers to the name to

be given to this body. There are two other amendments with regard to the same. As between these, I would suggest that mine is the more appropriate.

Shrimati Renu Chakravartty suggests that it should be called Metropolitan Assembly. I think the word 'Assembly' has come to mean in our country something different from what is envisaged for the Metropolitan Council. The Metropolitan Council is not Assembly. Therefore, that is not suitable. In this respect, the amendment of Shri Naval Prabhakar is more accurate.

The word we use should be expressive, clear and understandable by all. The word 'Metropolitan' has not been in vogue in our country. We have no other organisation in the country bearing this name. We have Zila parishad, Parishad and Assembly. In fact, the word 'Metropolitan' cannot even be pronounced by ordinary people. It is not in vogue.

Therefore, I suggest that the name should be Delhi Nagarik Parishad. The other amendment says that it should be called 'Shasan Sabha'. The Metropolitan Council is not dealing with Shasan. It will be an advisory body. Also, Shasan Sabha means a big assembly, where as Parishad denotes a small organisation. Therefore, my amendment is the most appropriate.

I had a talk with the hon. Minister also. He would like to translate Metropolitan Council as Delhi Rajdhani Parishad. I do not know whether it will be a suitable name. I do not think so. We have been used to using English words to such an extent that we have become addicted to them. We should coin suitable words from any of our own languages in the country.

Therefore, I suggest that Delhi Nagarik Parishad is the most suitable and should be accepted and the designation 'Delhi Metropolitan Council' should be avoided.

Shri Shiv Charan Gupta (Delhi Sadar): I want to oppose this. The word 'Nagarik' is synonymous with civic administration, whereas the functions of the Metropolitan Council are connected with governmental functions not civil functions. Therefore, it may be better to use the words 'Rajdhani Parishad' instead of 'Delhi Nagarik Parishad'.

Shri Hari Vishnu Kamath: Rajdhani Parishad.

Shri Hathi: So far as the amendment of Shrimati Renu Chakravartty is concerned, as regards New Delhi, it is defined that New Delhi means the area within the boundaries described in the First Scheduled to the Delhi Municipal Corporation. She wants to add that it includes the Delhi Municipal Corporation, New Delhi Municipal Committee, DMS and DDA. I do not think New Delhi means all these. I oppose it.

Shrimati Renu Chakravartty: It is 'Delhi'. Please see line 12, definition of 'Delhi', not 'New Delhi'. Who told him that?

Shri Hathi: That is not possible.

Then she wants the Delhi Metropolitan Council to be called 'Metropolitan Assembly'. Shri Kamath has said that in Hindi we can call it Delhi Rajdhani Parishad. We can have that in Hindi. But in the English text, it has to be 'Metropolitan Council'. Therefore, I oppose that also.

Mr. Speaker: May I put all the four amendments together to vote?

Some hon. Members: Yes.

Amendments Nos. 15 to 18 were put and negatived.

Mr. Speaker: The questions is:

"That clause 2 stand part of the Bill".

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3—(Constitution of Metropolitan Council).

Shri Shiv Charan Gupta: I beg to move:

Page 2, line 31,—for "forty-nine".
substitute "fifty-six". (2).

Shrimati Renu Chakravartty: I want to move amendment No. 20.

Mr. Speaker: It is the same as No. 2 which is moved. So that is barred.

Shrimati Renu Chakravartty: I beg to move:

Page 2,—omit lines 32 to 34 (2).

Shri Hari Vishnu Kamath: I want to move amendments Nos. 52, 53, 54 and 55.

Mr. Speaker: 52 is the same as 21; so it is barred.

What about 61, Government amendment?

Shri Hathi: I am not moving it.

Shri Hari Vishnu Kamath: I beg to move:

(1) Page 2, line 32,—for "five".
substitute "two". (53).

(ii) Page 2, line 33, after "service of Government" insert—

"or having any contract with Government for the supply of goods, or the holder of a licence or permit granted by Government,".
(54).

(iii) Page 2,—after line 34, insert—
rose—

"(3A) The members to be nominated under sub-section (3) of section 3 shall consist of persons having special knowledge or practical experience in respect of such matters as the following, namely:

Philosophy
Literature
Science
Technology
Social Service." (55).

Mr. Speaker: All these amendments are now before the House together with the clause.

Shrimati Renu Chakravartty: As regards my amendment No. 2, I want that instead of 49 members to be elected from territorial constituencies, we should have 56. The reason is that there will be simultaneous . . .

Shri Hathi: Why waste time? I accept it.

Shrimati Renu Chakravartty: The second amendment concerns the principle of nomination. I oppose the entire sub-clause, the provision for nomination by the Central Government.

As regards the provision 'not more than five', we say that there should be no question of nomination.

The third point which I want to make is that although in the Joint Committee, we were able to get the Members of the House of the People elected from Delhi to be associated with the work of the Election Commission, they added a proviso, 'provided that none of the said associate members shall have a right to vote or to sign any decision of the Election Commission.' I would say it is better that we leave out the proviso. We may leave it as it is put there, namely, 'the Commission shall associate with itself all the members of the House of the People representing Delhi', and delete the proviso. We should have given them that amount of right. Even though we are asking them to be associated with it, we need not add this proviso. Therefore, I would say that the proviso be deleted.

Shri Hari Vishnu Kamath: I have moved amendments Nos. 53, 54 and 55.

At the outset, I enter my strong protest against the principle of nomination which has again been sought to be introduced in this Bill. The House has often criticised and rightly so, Government having recourse to the principle of nomination to such

a body. I know there is such a provision in the Constitution, I am aware of that—in the case of both Houses. But that is for a specific purpose; where certain interests or certain communities are not represented adequately, Government can with the support of that make such nominations to fill up the vacancy or vacuum. But here it is a blanket power given to the Government, I would call it a *carte blanche*, to nominate persons, persons unspecified, neither interests nor community specified, they can send anybody they like. It may be a lever for patronage and nothing else. As has happened in various local bodies where the ruling party has not got a majority, the weapon of nomination is used to fill the seats in such a manner that they get a majority, I am afraid, history, like an idiot, will repeat itself here also. I do hope with all my heart and pray that my amendment will be acceptable.

श्री मधु लिवये : प्राप की बात हमें पसन्द है ।

श्री हरि बिष्णु कामत : प्रापको तो पसन्द है लेकिन पता नहीं मामनीय सदस्यों को पसन्द है या नहीं ।

If that is not acceptable, I have got alternative to satisfy some of those Members on the other side who, in their hearts, will support the amendment, but will vote against the amendment. That is what has happened in this House so often, and we are well aware of such fears and inhibitions affecting the Congress Party Members. We are not surprised, and the election is so near now. Both eyes are on the Congress Party tickets. So, though they may speak with a subdued voice and support my amendment against such provisions, they will not vote for it, as happened last time on my Constitution Amendment Bill. Many supported my Bill, but when it came to voting, not one of them who supported the Bill voted for the Bill.

Shri Shree Narayan Das: He should not impute motives like this, saying that the election is near and all that.

Shri Hari Vishnu Kamath: It is a statement of fact. If they do not accept Amendment No. 52 which seeks to do away with the principle of nomination entirely, reduce it to zero, I have said that the nominated Members may approximate to zero, mathematically speaking, as I have said in the Minute of Dissent, that is to say it may be one or two. I have given them a little latitude. But they should represent special communities or interests specified in the Bill. I have therefore suggested the substitution of two for five.

Then, I have categorically sought to provide that permit-holders and licence-holders of Government should find no place on this Council. A very pernicious system is coming, and I am sure, conscienceless as they are, they will seek to inflict these permit-holders, licence-holders and such kinds of people on this Metropolitan Council; and unless the Bill seeks to provide definitely, categorically, specifically, unequivocally that these people will be barred, I am afraid that the Government will inject this poisonous element into this Metropolitan Council. Amendment 54 seeks to provide, therefore,

"persons not being in the service of Government or having any contract with Government for the supply of goods, or the holder of a licence or permit granted by Government,"

that all these will be barred. Just as the Minister wisely has refrained from moving the amendment which he gave notice of on the last occasion about these people in the service of Government, Government servants, now he is dropping that amendment, I am glad he is dropping . . .

Mr. Speaker: He may go to amendment No. 55.

Shri Hari Vishnu Kamath: Coming to amendment 55, it has been embodied in the Constitution itself that so far as the Rajya Sabha is concerned, certain interests, particular classes of people specified, may be nominated. The relevant article in the Constitution is, article 80 (3) reads:

"The members to be nominated by the President under sub-clause (a) of clause (1) shall consist of persons having special knowledge or practical experience in respect of such matters as the following, namely:—

Literature, Science, Art and Social Service."

For the Legislative Councils it is slightly different, and there you have got one more category:

"Literature, science, art, co-operative movement and social service."

Co-operative movement is excluded so far as nomination to the Rajya Sabha is concerned, I do not know why.

This is going to be called Rajdhani Parishad. So, we have the Rajya Sabha, the Vidhan Parishad and we will have this Rajdhani Parishad here. Therefore, I seek to provide specifically in the Bill:

"The members to be nominated under sub-section (3) of section 3 shall consist of persons having special knowledge or practical experience in respect of such "matters as the following, namely:—

Philosophy, Literature, Science, Technology, Social Service."

We are living, as has been often said, as Pandit Nehru the first Prime Minister of India used to say and it has been said by his successors also, in the great age of science and technology. Technology is not specifically mentioned in the Constitution. Perhaps at that time we were not as specifically conscious of technology as we are today. In 1947-50 we were not so technology-conscious as we are to-

day, and therefore I am including it. And also philosophy.

We are having a President who is a renowned expounder of philosophy, a professor of philosophy, and therefore it is in the fitness of things, I believe, that this category of philosophy should be included in the Bill—either philosophers or professors of philosophy, I make a distinction between philosophers and professors or expounders of philosophy, may also find a place in the Metropolitan Council by nomination if they are not already elected directly.

I therefore move all these amendments and commend them to the acceptance of the House.

Shri Shiv Charan Gupta: I want a clarification. Does Mr. Kamath mean that licence to ply a scooter or a taxi or a licence under the Factories Act is also covered by his amendment?

Shri Hari Vishnu Kamath: I am of the view that all holders of licences and permits granted by the Central Government should be barred from nomination to the Metropolitan Council.

Shri Bade (Khargone): I also support Mr. Kamath's amendment, simply because this nomination is a very filthy affair. Whenever there is nomination in our municipalities in the States, then a telephone comes from the Congress Committee to the Minister in favour of the licence-holders and permit-holders, and the Minister is in a fix. He does not want to nominate a particular person, but he is so much pressurised that he must nominate the particular person simply because he carries a certain number of votes in his pocket or he is a millionaire or he is an owner of a cloth mill or some industries. Therefore, to relieve the Minister from all these filthy affairs, he should accept this amendment of Mr. Kamath.

श्री मधु लिमये : अध्यक्ष महोदय, मैं तीसरी धारा में जो नामजदगी का सिद्धान्त है,

उसकी सक्त मूखालिफत करता हूँ। श्री कांभत ने जो तरमीम रखी है पहली कि उसको हटा दिया जाये उसका तो मैं समर्थ करता हूँ लेकिन बाव में जो दो या तीन नाम अदियोग करने के बारे में समझौता कर रहे हैं, वह मुझ अच्छा नहीं लगता।

श्री हरि विष्णु कामत : अगर वह गिर गया तब मैं इसे मूब कहूँगा।

श्री मधु लिमये : हमारा विभाग एक ही दिशा में जाना चाहिये। श्री कामत ने कहा कि राज्य सभा में श्री विधान परिषद् में कुछ लोगों को नामजद करने का अधिकार राष्ट्रपति को और राज्यपाल को है। लेकिन राज्य सभा और विधान परिषद् का जो कार्य है, उसका जो स्वरूप है, वह बिल्कुल भिन्न है। जिसको आप को ऊपर का सदन कहते हैं, प्रपर हाउस कहते हैं वह ये हैं। और यह जो दिल्ली की सभा है हम चाहते हैं कि वह विधान सभा के रूप में हो, इसलिए इसमें नामजदगी का सिद्धान्त बिल्कुल नहीं आना चाहिए। एक पुराने कांग्रेसी के नाते और वर्तमान कांग्रेस विरोधी के नाते जो हमारे कांग्रेस पार्टी के साथी हैं उनकी याद में जरा ताजा करना चाहता हूँ कि जब प्रंप्रजों का यहाँ राज था और इंडियन कांसिल्स एक्ट पास होते थे तो हमेशा पुराने जो नरम दल के लोग थे वे भी कोशिश करते थे कि कांसिली में जो लोक-नियुक्त लोग हैं उनकी ताबाव बढ़े और जो नामजद या सरकार-नियुक्त लोग हैं उनकी ताबाव घटे। लेकिन एक दफा माननीय लोक माम्य तिलक जी के स्वराज्य का सन्देश देने के बाद और दादाभाई नौरोजी के कांग्रेस के मंच से स्वराज्य का मकसद देश के सामने रखने के बाद और खास तौर से 1929 में लाहौर कांग्रेस में जवाहरलाल नेहरू की अध्यक्षता में मुकम्मिल धाजादी का प्रस्ताव पास होने के बाद तो नामजदगी का ह्रातक सिद्धान्त हमेशा के लिए खत्म होना चाहिए था। मुझे बड़ा दुःख होता है कि धाज हाथी

[श्री मधु लिमये]

साहब एक ऐसे खतरनाक सिद्धान्त को लाये हैं। वैसे तो लोकतन्त्र का गला आपने घोट ही दिया है, लेकिन जाँ एक ढाँचा, मुर्दा ही सही, बनाया गया है उस में भी आप "ट्रोजन हास" बुसाना चाहते हैं। आखिरकार क्यों जनता के ऊपर विश्वास नहीं है ? क्या आप नहीं सोचते हैं कि जनता के ऊपर यह बात सौंप दी जायगी तो जनता अच्छे प्रतिनिधियों को चुनेगी ? अगर आपको यह डर है कि हरिजन हैं या पिछड़ी जाति के लोग हैं या अल्पसंख्यक लोग हैं, मुसलमान कह लीजिए या सिख कह लीजिए, वह इस में चुने नहीं जायेंगे तो आप आरक्षित करते जगहें अल्पसंख्यक लोगों के लिए या पिछड़ी जाति के लोगों के लिए। लेकिन आप अपने हाथ में सारा अधि-कार ले रहे हैं। यह सत्ता की इतनी भूख, इतनी व्यास आपको क्यों लग रही है, यह हमारी समझ में नहीं आता। तो यह जो अधि-कार आप ले रहे हैं इसको बड़ी खुशी से आप छोड़ दीजिए और सारा मामला जनता के ऊपर सौंप दीजिए ताकि लोकतन्त्र का जो सिद्धान्त है उसकी कद्र इस विधेयक के अन्तर हो जाय। यदि आप इस सुझाव को नहीं मानेंगे तो इसकी मुखातिफ हमें करनी पड़ेगी।

Shri S. Kandappan: Sir, I have got to say a few things about the question of nomination. In fact I have referred to them in my speech but the hon. Minister has not replied to that point. He candidly admitted: we are not giving any democratic rights; this is not a democratic set up. Leaving aside that point, I wish to say that there is going to be elections for this metropolitan council and once you allow elections definitely there are going to be parties contesting for this metropolitan council. Even if 26 members belonging to a different party get elected, naturally this government with its power of nomination could tilt the balance and put

their own congressmen there. It is very unhealthy. If they want to give representation for interests which are not represented, let them as Mr. Kamath pointed out, codify the basis for these nominations. After doing so, let them leave the power of nomination to the elected body itself. It is not a new thing. In the Madras Panchayat and Panchayat Union Act there is a provision to co-opt members. I think it is a wise provision when a party is at the risk of losing power and does not have a clear majority by the provision of co-opting members they could have a secure majority and carry on the administration without any kind of interference. We know the power of money. They can easily purchase people when there is a narrow majority, if this is allowed. I do not think this will be a healthy convention or that this will in any way enhance the administrative efficiency of the metropolitan council. Either he should drop this clause altogether or this power should be given to the metropolitan council.

Shri S. M. Banerjee (Kanpur): Sir, I fully support the amendment of Mr. Kamath to omit lines 32-34—amendment No. 54. Then the other amendment is to insert "or having any contract with Government for the supply of goods, or the holder of a licence or permit granted by Government" after the words 'service of Government' in clause (3). What is the history of the nomination clause? Who is going to be nominated by this Government?

श्री मधु लिमये : सरकार के चेले :

Shri S. M. Banerjee: These people who are controlling almost the entire business of Delhi. Either it will be Prakash Rai or Brijlal Dua or Maj. Raghavendar Singh who are controlling land, who are controlling the economy of Delhi and the business of having blackmarketing and racketeering to the tune of crores, not lakhs. When we talk of this nomination, may

I ask a question? Where does the question of nomination come in in parliamentary or democratic traditions? It is the demand of all the political parties including the ruling party to have the assembly. There are factions in the ruling party, some of them want the assembly. But the people of Delhi have been denied a legislative assembly. The metropolitan council has been given some power. Somebody said that the metropolitan council is nothing but a dignified coffee house where we can chatter but with no results. I say dignified because it has been given the name of metropolitan council. Why should not they accept Mr. Kamaths amendment? After all what happened in U.P. and other states? A Government contractor is disqualified from becoming a Member of Parliament. Definitely, government should not be given the power to nominate. Sir, you have more experience than I, of Delhi. Those who are anti-social, anti-labour elements, who have polluted the politics of Delhi which is our capital should not be nominated. If this amendment is accepted, I hope at least the metropolitan council which may be a dignified coffee house may be free from the licence and permit holders.

Dr. M. S. Aney (Nagpur): Sir, I am entirely opposed to this principle of nomination. I do not understand why the principle of nomination is considered necessary in a council for a place like Delhi. Delhi is not a backward tract. Why are they treating the citizens of Delhi as second, third or fourth rate citizens of India? It is an insult to the citizens of Delhi that they should be given a council in which they have no right to send their own members by election. I am entirely opposed to this principle and I have to oppose the diluted form in which my friend Mr. Kamath has brought forward the amendments. The principles he has chosen are related to the Council of States or legislative

councils in the States. Here, this is a different thing altogether.

Shri Hari Vishnu Kamath: I have said that if my other amendments are lost, these are my alternatives.

Dr. M. S. Aney: Therefore, this should be a purely elected body.

Shri Hathl: These amendments relate to the disqualification clause and my submission in respect of them is this. I may submit that clause 19 says, "a person shall be disqualified for being chosen as, and for being a member..." He cannot be a member; he cannot even be nominated, if he is, for the time being, "disqualified for being chosen as, and for being a member of either House of Parliament." Therefore, all the disqualifications that attach for being a Member of Parliament are also attached to persons who are chosen or who are nominated as members of the Metropolitan Council. The next point is—

Shri Hari Vishnu Kamath: I am sorry to interrupt, but I may point out that the Minister has wisely dropped the amendment, to omit "service of Government".

Shri Hathl: The next point is this. The amendment here worded is "having any contract with Government for supply of goods..." That is already in the Representation of the People Act which disqualifies the people—the words which he wants now—namely, "licence or permit".

Mr. Speaker: Goods to be supplied or services to be done.

Shri Hathl: That is also a disqualification. We have examined two words, "permit and licence". The hon. Member asked what is a licence: whether a licence to drive a car or a hotel, keeping arms, driving a scooter, is also a licence. A permit may be a permit to enter a prohibited area. In legislation, the two words "licence"

[Shri Hathi]

and "permit" cannot be viewed like that. Therefore, all the disqualifications that apply to a Member of Parliament from being chosen or being elected or for remaining as a Member, will apply to this case also. That position is made very clear. Therefore, I do not accept the amendment.

The second question is about the nomination. It is not that all the five are going to be nominated. The Central Government may nominate not more than five. That is the wording. Therefore, it would not be that all the five are going to be nominated. The wording is "not more than five".

Shri Hari Vishnu Kamath: "May" will become "shall" in course of time

Shri Hathi: The wording is "not more than five"; that is, the minimum necessary, looking into the needs and requirements. Then, it was said that it is a question of political power. There is no question of political power

or party. It is not that the leader of the party will be in the Government or they will run the Government. It is not like that.

Shri S. Kandappan: What is the difficulty in giving the power to the Council itself?

Shri Hathi: The Council cannot be given the power. Even in the Union Territories Act and even in the other Legislative Assemblies, the power of nomination remains. It is not that all the five will be nominated. The wording is, "may nominate not more than five." Therefore, I do not accept the amendment.

Mr. Speaker: Amendment No. 21 is the same as amended No. 52. I shall put the amendment to the vote of the House.

The question is:

Page 2, omit lines 32 to 34. (21).

The Lok Sabha divided:

Division No. 20]

AYES

[13.38 hrs.]

Aney, Dr. M. S.
Bade, Shri
Banerjee, Shri S. M.
Bhattacharya, Shri Dinen.
Chakravarty, Shrimati Renu.
Kamath, Shri Hari Vishnu.

Kandappan, Shri
Kar, Shri Prabbat
Limye, Shri
Nair, Shri Vasudevan.
Neth Pai, Shri.

Seshayan, Shri
Shukla, Shri Vidya Charan.
Singh, Shri Y. D.
Verma, Shri S. L.
Vishram Prasad, Shri.

NOES

Akkamma Devi, Shrimati
Arunachalam, Shri
Bakliwal, Shri
Bal Krishna Singh, Shri
Barmen, Shri P. C.
Basumeteri, Shri
Baswant, Shri
Bhattacharyya, Shri C. K.
Bier, Shri J.B.S.
Brajeswar Prasad, Shri
Brij Basi Lal, Shri
Chanda, Shrimati Jyotana
Chandrika, Shri
Chaudhry, Shri Chandramani Lal
Chuni Lal, Shri
Dajjit Singh, Shri
Das, Shri B. K.
Das, Shri N. T.
Deshmukh, Shri B. D.
Deshmukh, Shri Shivaji Rao S.
Digha, Shri

Gandhi, Shri V. B.
Gupta, Shri Badshah
Gupta, Shri Shiv Charan.
Jadhav, Shri M. L.
Jadhav, Shri Tulshidas
Jedhe, Shri
Jena, Shri
Joishi, Shrimati Subhadra
Jyotishi, Shri J.P.
Kamble, Shri
Kedaris, Shri C. M.
Khan, Dr. P. N.
Khanna, Shri Mehr Chand
Kunder Lal, Shri
Klean Veer, Shri
Kripa Shankar, Shri
Kureel, Shri B. N.
Lakshmi Bhawanji, Shri
Laskar, Shri N. R.
Laxmi Bai, Shrimati.
Loniker, Shri

Mahishi Dr. Sarojni.
Malaviya, Shri K. D.
Mandal, Shri J.
Mandas, Shri Yamuna Prasad.
Maniyangaden Shri
Mantri, Shri D. D.
Masuriya Din, Shri
Mathur, Shri Shiv Charan.
Mehta, Shri Braj Bihari.
Mehta, Shri J. R.
Mehta, Shri Jashwant.
Minimata, Shrimati
Mishra, Shri Bibhusi
Mishra, Shri Mahesh Dutta.
Mohammad Yusuf, Shri
Naik, Shri Maheswar
Nasikar, Shri P.S.
Nayak, Shri Mohan
Osa, Shri
Pande, Shri K. N.
Pannikar, Shri

Patel, Shri Chhotubhai
Patel, Shri Rajeshwar
Patil Shri, D. S.
Patil, Shri J. S.
Patnaik, Shri B. C.
Prabhakar, Shri Naval
Pratap Singh, Shri
Raghunath Singh, Shri
Rai, Shrimati Sahodra Bai.
Raja, Shri C. R.
Rajdeo Singh, Shri
Raju, Shri D. B.
Ram, Shri T.
Ram Swarup, Shri
Ramanathan Chettiar, Shri R.
Ramachkar Prasad Singh, Shri
Rane, Shri]

Rao, Shri Muthyal
Rao, Shri Ramapathi
Raut, Shri Bhole.
Roy, Shri Bishwanath
Saha, Dr. S. K.
Sarma, Shri A. T.
Satyabhama Devi, Shrimati
Shah, Shrimati Jagaben
Sham Nath, Shri
Shastri Shri Ramanand
Sheo Narain, Shri
Siddananjappa, Shri
Siddeshwar Prasad, Shri
Singh, Shri A. P.
Singh, Shri S. T.
Singha, Shri G. K.

Sinha Shrimati Ramdulari
Sivappraghasan, Shri Ku.
Snatak Shri Nardeo
Sonavane, Shri.
Sumat Prasad, Shri
Thevar, Shri V. V.
Tiwary, Shri K. N.
Tiwary, Shri R. S.
Tula Ram, Shri
Upadhyaya, Shri Shiva Dutt.
Verma, Shri M. L.
Venkatasubbalah, Shri P.
Verma, Shri K. K.
Wadiwa, Shri
Yadav, Shri N. P.
Yadav, Shri Ram Harkh.
Yadava, Shri B. P.

Mr. Speaker: The result of the division is: Ayes 16; Noes 113.

The motion was negatived.

Mr. Speaker: I now take up amendment No. 54.

Shri Hari Vishnu Kamath: Amendment No. 54 may be put separately.

Mr. Speaker: The question is:

Page 2, line 33, after "service of Government" insert—

"Or having any contract with Government for the supply of goods, or the holder of a licence or permit granted by Government."

The Lok Sabha divided:

Division No. 21

Aney, Dr. M. S.
Bade, Shri.
Banerjee, Shri S. M.
Bhattacharya, Shri Dinen.
Chakravarty, Shrimati Renu.

Kamath, Shri H. V.
Kär, Shri Prabhat
Limye, Shri Madhu.
Nair, Shri Vasudevan.

AYES

[13.40 hrs.]

Akkamma Devi, Shrimati
Arunachalam, Shri
Baktiwal, Shri.
Bal Krishna Singh, Shri
Barman, Shri P. C.
Bevumetari, Shri
Baswant, Shri
Bhattacharyya, Shri C. K.
Brajeshwar Prasad, Shri
Brhji Basil Lal, Shri
Chanda, Shrimati Jyotana
Chandraki, Shri
Chaudhry, Shri Chandramani Lal
Chavda, Shrimati Jorabem
Chami Lal, Shri
Dalljit Singh, Shri
Das, Shri B. K.
Das, Shri N. T.
Deshmukh, Shri B. D.
Deshmukh, Shri Shivaji Rao S.
Digha, Shri
Gandhi, Shri V. B.
Gupta, Shri Badolal

Gupta, Shri Shiv Chaman
Jadhav, Shri M. L.
Jadhav, Shri Tulashidas
Jedhe, Shri
Jena, Shri
Joshi, Shrimati Subhadra
Jyoishi, Shri J. P.
Kamble, Shri
Kedaria, Shri C. M.
Khan, Dr. P. N.
Khanna, Shri Mehr Chand
Kishor Lal, Shri
Kuan Vee, Shri
Kureel, Shri B. N.
Lakkar, Shri N. R.
Lammi Bai, Shrimati.
Lonikar, Shri
Mahishi, Dr. Surojini
Malaviya, Shri K. D.
Mandal, Shri J.
Maddal, Shri Yaguna Prasad
Mantydagadam, Shri
Mazli, Shri D. D.

Mauriya Din, Shri
Mathur, Shri Shiv Charan
Mehrotra, Shri Braj Bhanu
Mehta Shri J. R.
Mehta, Shri Jashwant
Minimate, Shrimati
Mishra, Shri Bibhuti
Mishra, Shri Mahesh Dutta.
Mohammad Yusuf, Shri
Naik, Shri Mylesawaf
Naikar, Shri P. S.
Nayak, Shri Mohan
Oad, Shri
Pande, Shri K. N.
Parashar, Shri
Pérol, Shri Chhotubhai
Patel, Shri Rajeshwar
Patil, Shri D. S.
Patil, Shri J. S.
Patnaik, Shri B. C.
Prabhakar, Shri Naval
Prasad Singh, Shri
Raghunath Singh, Shri

NOES

Rai, Shrimati Sahodra Bai
 Raja, Shri C. R.
 Rajdeo Singh, Shri
 Raju, Shri D. B.
 Ram, Shri T.
 Ram Swarup, Shri.
 Ramnathan Chettiar, Shri R.
 Rane, Shri
 Rao, Shri Ramapathi
 Raut, Shri Bhola
 Roy, Shri Bishwanath
 Saha, Dr. S. K.
 Sarma, Shri A. T.
 Satyabhama Devi, Shrimati

Shah, Shrimati Jayaben
 Sham Nath, Shri.
 Shastri, Shri Ramanand
 Sheo Narsin, Shri
 Shukla, Shri Vidya Charan
 Siddananjappa, Shri
 Sidheswar Prasad, Shri
 Singh, Shri A. P.
 Singh, Shri S. T.
 Singha, Shri G. K.
 Sinha, Shrimati Ramdulari
 Sivapraghasan, Sh
 Snatak, Shri Nardeo
 Sonavane, Shri

Sumat Prasad, Shri.
 Thevar, Shri V. V.
 Tiwari, Shri K. N.
 Tiwari, Shri R. S.
 Tula Ram, Shri
 Upadhyaya, Shri Shiva Dutt.
 Varma, Shri M. L.
 Venkatesubbaiah, Shri P.
 Verma, Shri K. K.
 Wadiwa, Shri
 Yadav, Shri N. P.
 Yadav, Shri Ram Harkh
 Yadava, Shri B. P.

Mr. Speaker: The result of the division is:

Ayes 13; Noes 110.

The motion was negatived.

Shri Hathi: I am accepting amendment No. 2.

Mr. Speaker: It is the same as amendment No. 20.

The question is:

Page 2, line 31, for "forty-nine", substitute "fifty-six" (2).

The motion was adopted.

Mr. Speaker: I shall now put all the other amendments to the House.

Amendments Nos. 53 and 55 were put and negatived.

Mr. Speaker: The question is:

"That clause 3, as amended, stand part of the Bill".

The motion was adopted.

Clause 3, as amended, was added to the Bill.

Clause 4— (Delimitation of constituencies)

Shrimati Renu Chakravartty: I beg to move:

Page 3, omit lines 33 and 34. (22)

The proviso to the clause says:

"Provided that none of the said associate members shall have a right to vote or to sign

any decision of the Election Commission."

I submit that in view of the fact that actually there is no danger as such in granting them this right, at least in the delimitation of constituencies, etc., the representatives of Delhi shall be regarded as having the right to vote as well as to sign.

Shri Hathi: In other cases also, the associate members are not given the right to vote and sign.

Mr. Speaker: I shall put this amendment No. 22 to the House.

Amendment No. 22 was put and negatived.

Mr. Speaker: The question is:

"That clause 4 stand part of the Bill."

The motion was adopted.

Clause 4 was added to the Bill.
 Clauses 5 to 10 were added to the Bill.

Clause 11— (Sessions of Metropolitan Council, prorogation and dissolution.)

Shrimati Renu Chakravartty: I beg to move:

(i) Page 5, line 19, for "six" substitute "three" (23)

(ii) Page 5, omit lines 22 to 25. (24)

These two amendments are intended to make the Metropolitan Council,

even in the limited form in which it will emerge from this Bill, a more effective and active body. The clause says:

"The Administrator shall, from time to time, summon the Metropolitan Council to meet at such time and place as he thinks fit, but six months shall not intervene between its last sitting in one session and the date appointed for its first sitting in the next session."

"(2) The Administrator may, from time to time,—

- (a) prorogue the Metropolitan Council;
- (b) with the approval of the President dissolve the Metropolitan Council."

I submit that it is very necessary that the Metropolitan Council should be given only an interval of three months between two sessions. So many things crop up in a Legislative Assembly. This body is more or less going to do much of the work which an Assembly should do for a State. Already this is only a talking body; we should not allow this to become a sleeping body. So, my amendment No. 22 seeks to provide that not more than 3 months should elapse between two sessions.

My amendment No. 24 seeks to omit lines 22 to 25. This is very important. The clause says:

"The Administrator may, from time to time, with the approval of the President dissolve the Metropolitan Council."

Shri S. Kandappan: This is absurd.

Shrimati Renu Chakravartty: Many powers are being given to the President, which we do not want, because we want that this Metropolitan Council should be brought on a par as far as possible with an Assembly so far as rights and prerogatives are concerned. This Government has

thought it fit not to give an Assembly to the people of Delhi, without giving any argument. The Minister gave a long speech, but did not answer why it was not possible to give an Assembly. At least at this stage I would try to cut to the minimum the powers of the President. I am totally opposed to giving this right to the Administrator, who in his wisdom will refer the matter to the President and the President will just say, if he so agrees, dissolve the Council. Already there is a large dose of nominated members in this Council. An Assembly cannot be dissolved unless there is a majority vote against the ruling party or there is no law and order in the country. Only in those two circumstances, the President can dissolve an Assembly. Here we are giving a carte blanche that the Administrator may refer the matter to the President and the President in his wisdom may dissolve the Council. This is a very autocratic power, which we cannot allow and we will oppose it.

Shri S. M. Banerjee: I fully support to amendment moved by Shrimati Renu Chakravartty: If such a sweeping power is given to the Administrator, what will be the Administrator's attitude towards the Council? We have before us the sad history of the corporations in the KAVAL cities of UP. In Lucknow, Kanpur, etc., the Administrator's raj is going on. But even there the Administrator was not given the power to dissolve such corporations. An ordinance had to be brought by the UP Government to persuade the corporations and appoint an Administrator. Here if this sweeping power is given to the Administrator, I am sure he will take his own decision to prorogue it and with the approval of the President, he will dissolve the Council. Then, what will be the fate of the Council? This is no substitute for an Assembly. Just to console the people of Delhi and hoodwink them, the Metropolitan Council is there. I am sure the Minister will not hesitate to accept this amendment and will not

[Shrimati Renu Chakravartty]

give so much power to the Administrator.

Shri S. Kandappan: As the Bill stands today, even if all the Councillors are against the Congress, I do not think they can carry anything against the Government's wishes. So, I do not understand why such a sweeping overall power should be given to the Administrator, without any reason being given. The Minister should at least enlighten us as to the reason that warrants such powers being given to the Administrator.

Mr. Speaker: When we started, there were only 50 minutes left for the Bill in pursuance of the decision taken by the House after the recommendation of the Business Advisory Committee. We have spent more than 2 hours now. There ought to be some limit. The House may say what it wants, but at the same time, I shall have to put the other clauses together at some moment.

Shrimati Renu Chakravartty: A Bill should not be guillotined. We have to fight it clause by clause.

Mr. Speaker: Even for a Bill there should be some limit.

Shri Hari Vishnu Kamath: We have always held that the business should not be hustled in the House....

Mr. Speaker: I am not hustling it. But we always fix some time for any Bill.

Shri Hari Vishnu Kamath: The House can extend the time. This is an important Bill for Delhi itself.

Mr. Speaker: Yes, yes. It is an important Bill. But there ought to be some limit. Hon. Members should be brief in their observations.

जी मरू लिमये : अध्यक्ष महोदय, यह हो सकता है, लेकिन इसमें तो एक-एक धारा में ऐसी लोकतन्त्र विरोधी बातें भरी हैं कि क्या किया जाय। हां, संक्षेप में बोल सकते हैं।

Shri Hari Vishnu Kamath: If any one of us says things that are irrelevant, pull us up. We are perfectly amenable to that operation by you. Pull us up if we say anything irrelevant. But, certainly, we are entitled to say relevant things until and unless you pull us up.

Now, Sir, the amendment proposed by my hon. friend, Shrimati Renu Chakravartty, I think, is a desirable amendment. The Bill before the House has patterned this particular clause on the article of the Constitution. The article says:

"The President may from time to time....

(a) prorogue the House or either House:

(b) dissolve the House of the People."

Here, in this clause, it is said:

"The Administrator may, from time to time,—

(a) prorogue the Metropolitan Council;

(b) with the approval of the President, dissolve the Metropolitan Council."

Now, the only snag in this is that unless safeguards are provided in some form or other the Administrator may abuse his power. But it has wisely been inserted here that with the approval of the President he may dissolve the Council, just as the President is empowered under the Constitution to dissolve the House of the People.

Shrimati Renu Chakravartty: The President can do it at any time, whenever he wants.

Shri Hari Vishnu Kamath: That is the constitutional provision. And, the life of the Metropolitan Council also has been prescribed in an earlier clause, clause 10. as 5 years, just like

the House of the People. There it is said:

"The Metropolitan Council, unless sooner dissolved, shall continue for five years from the date appointed for its first meeting and no longer, and the expiration of the said period of five years shall operate as a dissolution of the Metropolitan Council."

Therefore, as I have already said, this is an exact replica of the article of the Constitution relating to the House of the People. Therefore, while the intention behind the amendment is desirable and is worthy of support, I am sorry to say that just as the Constitution provides for dissolution of the House of the People by the President and also prescribes its life, in the same manner, this clause in the Bill has been patterned, has been modelled upon that, and, therefore, I do not think the amendment is absolutely necessary though the intention is perfectly laudable and should be appreciated and supported.

श्री मधु लिमये : यहाँ तो दिल्ली के शासक को धारा 11 के अन्दर तानाशाही अधिकार दिये गये हैं।

श्री हाथी : किस को ?

श्री मधु लिमये : एडमिनिस्ट्रेटर को। आप कान्सिल को भी बरखास्त कर सकते हैं।

अध्यक्ष महोदय : आप उनसे बात न कीजिये। अब आप इस पर बोलिये।

श्री मधु लिमये : अध्यक्ष महोदय, चूँकि हमारी सरकार का दिमाग थोड़ा विदेशी है, इसलिये विदेशों से कुछ उदाहरण और उद्धरण देना हमारे लिये जरूरी हो जाता है। ओटावा शहर कॅनेडा की राजधानी है। ओटावा के बारे में एनसाइक्लोपीडिया ब्रिटैनिया में लिखा है—

"Ottawa is governed by a Mayor and a Board of Control of four members, elected by the

city at large, and a Board of 22 aldermen, two elected by each of the 11 wards. The city returns two members to the Dominion House of Commons, and two to Ontario Legislature."

यह ओटावा का ही गया। अब अमरीका का यहाँ पर बार-बार उदाहरण दिया जाता है। इस प्रसिद्ध किताब में ब्रिटिशगटन के नागरिकों की क्या इच्छा है, उनकी क्या मनीषा है, यह इसमें बताया गया है—

"Although the budget of the district of Columbia of 100 million dollars is approximately twice the amount of the budget for the entire federal government a hundred years ago, District taxes are levied without local representation, and taxation without representation is hardly less unpopular now than it was at the time of the Declaration of Independence. The Commissioners are not well known to the residents of the city and feel no such obligation as would be felt by members of a city council to consider the desires of the people. The subordinate organization of the local government, which has grown up piecemeal, badly needs revision. Slum areas have been permitted to develop which would be a disgrace to any commercial city, let alone the national capital. Local newspaper items....."

अध्यक्ष महोदय : आप यह जो पढ़ रहे हैं, इतना बक्त नहीं है।

श्री मधु लिमये : मैं यह बता रहा हूँ कि तानाशाही अधिकारों के क्या खतरनाक नतीजे निकलते हैं।

अध्यक्ष महोदय : आप क्लॉज 11 पर कहिये।

श्री मधु लिमये : यह उमी मे सम्बन्धित है, इनको अभी खरम करता हूँ . . .

[श्री मधु लिमये]

"...committees in both houses of the Eightieth Congress gave serious consideration to a measure providing for home rule by a city manager who would be chosen by a council of twelve men which, in turn, would be elected by the residents of the District."

तो इस तरह के सुझाव अमरीका की कांग्रेस के सामने भी आते रहे हैं और चूंकि दिल्ली की प्रवादी बहुत ज्यादा है, इस लिये जरूरी है कि दिल्ली के एडमिनिस्ट्रेटर के तानाशाही अधिकारों को खत्म किया जाय और दिल्ली की जनता को अधिकार दिये जाय इस लिये इस धारा का मैं सख्त विरोध करता हूँ।

Shri Hathi: Sir, I am thankful to Shri Kamath for supporting the Government's view. We have exactly taken it from article 174 where it is

said that a period of six months shall not intervene between two sessions even for a State legislature, which is more important than this, and the Governor is also given the power to prorogue a State Assembly or to dissolve it. Here it is to be done with the approval of the President. Therefore, I do not think there is any substance in the amendment though the intention may be good.

Shri Hari Vishnu Kamath: Let him support me when I am in the right. He does not support me when I am in the right, when I move my amendments.

14 hrs.

Mr. Speaker: The question is:

Page 5, line 19,—

for "six", substitute "three" (23)

The Lok Sabha divided.

Division No. 22]

AYES

14.02 hrs.]

Banerjee, Shri S. M.
Bheel, Shri P. H.
Bhattacharya, Shri Dinen
Chakravarty, Shrimati Renu
Imbichibava, Shri

Kamath, Shri Hari Vishnu
Kandappan, Shri S.
Limaye, Shri Madhu
Mahananda, Shri

Mate, Shri
Mishra, Shri U.
Murmur, Shri Sarkar
Venkaiah, Shri Kolla

NOES

Barman, Shri P. C.
Baswant, Shri
Bhattacharyya, Shri C. K.
Brajeshwar Prasad, Shri
Brij Basi Lal, Shri
Chandrabhan Singh, Dr.
Chandriki, Shri
Chaturvedi, Shri S. N.
Chaudhry, Shri Chandramani Lal
Chavda, Shrimati Joraben
Chuni Lal, Shri
Daljit Singh, Shri
Das, Shri B. K.
Das, Shri N. T.
Deshmukh, Shri B. D.
Deshmukh, Shri P. S.
Dwivedi, Shri M. L.
Gandhi, Shri V. B.
Gupta, Shri Badahah
Gupta, Shri Shiv Charan
Hanada, Shri Subodh
Hao, Shri M. M.
Jadhav, Shri M. L.

Jamunodevi Shrimati
Jedhe, Shri
Jena, Shri
Joshi, Shrimati Subhadra
Jyotiashri, Shri J. P.
Kamble, Shri
Kedaria, Shri C. M.
Khanna, Shri Mehar Chand
Kishor Lal, Shri
Kripa Shankar, Shri
Kureel, Shri B. N.
Laxmi Bai, Shrimati
Lonikar, Shri
Mahadeo Prasad, Shri
Mahadeva Prasad, Dr.
Malaicami, Shri
Mandal, Dr. P.
Mandal, Shri Yashwanth Prasad
Maniyangadan, Shri
Mantri, Shri D. D.
Marandi, Shri
Masuriya Dina, Shri
Mathur, Shri Shiv Charan

Mehrotra, Shri Braj Bihari
Mehta, Shri J. R.
Malkote, Dr.
Minimata, Shrimati
Mishra, Shri Bibhuti
Mohammad Yusuf, Shri
Mohanty, Shri Gokulananda
Morarka, Shri
Nalk, Shri Maheshwar
Naskar, Shri P. S.
Pande, Shri K. N.
Parashar, Shri
Patel, Shri Chhotubhai
Patil, Shri D. S.
Patil, Shri J. S.
Patil, Shri T. A.
Patil, Shri V. T.
Prebhakar, Shri Naval
Pretap Singh, Shri
Rajdeo Singh, Shri
Raju, Shri D. B.
Ram Swarup, Shri

Ramnathan Chettiar, Shri R.
Rameshchandra Prasad Singh, Shri
Fane, Shri
Rao, Shri Jagannatha
Rao, Shri Bhola
Rameshchandra, Shri
Sadas Ram, Shri
Saha, Dr. S. K.
Somantha, Shri S. C.
Somasak, Shri Nardeo
Sanji Rupji, Shri

Sarma, Shri A. T.
Shah, Shrimati Jayaben
Sham Nath, Shri.
Shastri, Shri Ramanand
Siddananiappa, Shri
Sinha, Shrimati Ramdulari
Sivapraghman, Shri Ku.
Sonavane, Shri
Subbaraman, Shri
Sumat Prasad, Shri

Tiwary, Shri K. N.
Tiwary, Shri R. S.
Tula Ram, Shri
Ukay, Shri
Ulaka, Shri Ramachandra
Upadhyaya, Shri Shiva Dutt.
Varma, Shri M. L.
Yadav, Shri N. P.
Yadav, Shri Ram Harkh
Yadava, Shri B. P.

Mr. Speaker: The result of the division is: Ayes—13; Noes—99.

The motion was negated.

Mr. Speaker: I shall now put amendment No. 24 to the vote of the House.

Amendment No. 24 was put and negated.

Mr. Speaker: The question is:

"That clause 11 stand part of the Bill."

The motion was adopted.

Clause 11 was added to the Bill.

Clause 12—(The Chairman and Deputy Chairman of the Metropolitan Council.)

Shrimati Renu Chakravarty: Sir, I beg to move:

Page 6,—

after line 14, insert—

"Provided that the Metropolitan Council shall meet to elect a Chairman not later than a month after the vacancy has taken place."
(25)

Though this amendment I have asked for addition of a proviso about the Metropolitan Council's meeting to elect a Chairman not later than a month after the vacancy has taken place. Here, you will see that they do not seem to say anything about what will be the time limit within which the vacancy of the Chairman has to be filled up. I think, this is rather an important amendment because we should not leave it to the will of the Administrator or of the other nominat-

ed members who will be there. The Metropolitan Council should choose as quickly as possible the Chairman; otherwise, what will happen is that the Administrator will continue to act as the Chairman of that body till the election takes place. Therefore I propose that it should not take place later than a month after the vacancy.

Shri Hathi: There is no question of the Administrator presiding. There will be a Deputy Chairman also; so, when a vacancy is there, the Deputy Chairman will be there to preside. There is no provision in the Constitution also for any time-limit. Because there is a Deputy Chairman the Administrator would not be in the Chair.

Mr. Speaker: I shall put the amendment (No. 25) to the vote of the House.

Amendment No. 25 was put and negated.

Mr. Speaker: The question is:

"That clause 12 stand part of the Bill."

The motion was adopted.

Clause 12 was added to the Bill.

Clause 13—(Chairman not to preside while a resolution for his removal from office is under consideration.)

Shri Shriv Charan Gupta: Sir, I beg to move:—

Page 6, line 33,—

after "Chairman", insert—

"or, as the case may be the Deputy Chairman". (3)

[Shri Shiv Charan Gupta]

In this connection I have to say that if we look at clauses 12 and 13, we find that there the provision is of a Deputy Chairman. I think, inadvertently, in clause 13, sub-clause (2), the words "Deputy Chairman" are missing. The provision in sub-clause (2) is that when there is a motion of no confidence, both in the Chairman and the Deputy Chairman, the Chairman will be there to speak in the Metropolitan Council. That provision is not there in respect of the Deputy Chairman. So, it is a consequential amendment and it should be accepted by the hon. Minister.

Shri Hathhi: No, Sir; there is some misunderstanding. It is not at all inadvertance. The Chairman is equated to the Speaker of an Assembly. The Speaker has no right to participate in the debate—the Speaker only occupies the Chair—while the Deputy-Speaker has a right to speak as a Member. Therefore the position here is that the Chairman will have a right to speak and take part in the proceedings when any resolution for his removal is there. While the Deputy Chairman has a right to speak as a member, that provision is not there for him.

Mr. Speaker: I shall now put the amendment (No. 3) to the vote of the House.

Amendment No. 3 was put and negatived.

Mr. Speaker: The question is:

"That clause 13 stand part of the Bill."

The motion was adopted.

Clause 13 was added to the Bill.

Clause 14, 15 and 16 were added to the Bill.

Clause 17—(Voting in Metropolitan Council.)

Shri Shree Narayan Das: Sir, I beg to move:

Page 7, line 34,—

for "there is no quorum" substitute—

"the attention of the presiding officer is drawn that there is no quorum". (28)

There is a provision in sub-clause (5):—

"If at any time during a meeting of the Metropolitan Council there is no quorum, it shall be the duty of the Chairman, or person acting as such, either to adjourn the Metropolitan Council or to suspend the meeting until there is a quorum."

Although the words used in this are according to the provision in the Constitution, I would like to suggest that the wording as at present makes it obligatory on the presiding officer to see whether there is quorum or not. The practice in this House has been that the Presiding Officer does not take cognisance of the fact whether there is quorum or not unless his attention is drawn to it. If this wording is allowed to remain, I think, it will be incumbent upon the Chairman or the Presiding Officer to see at every time whether there is quorum or not and if he does not look to that, I think, he would be falling in his duty. Therefore I would like to substitute the words "the attention of the presiding officer is drawn that there is no quorum" for the words "there is no quorum" through my amendment. Only when his attention is drawn he will take cognisance; on his own he should not and he would not. Under this clause as it is worded he has to see that there is quorum and if a sufficient number of members are not present, he is duty bound to adjourn the meeting. That is not the position here.

Therefore I would like to substitute the words suggested in my amendment.

Shri Hari Vishnu Kamath: It will be helpful if it is accepted by the hon. Minister.

Shri Hathi: It is not helpful. If what the hon. Member has suggested is accepted, it would mean that at any time during a meeting of the Metropolitan Council when attention is drawn to the fact that there is no quorum, it should be adjourned, whereas the point is that there should be no quorum. Merely drawing attention to the fact does not mean that there is no quorum. The fact must be decided that there is no quorum; otherwise, every time attention is drawn, it should be suspended and the fact should be proved.

Mr. Speaker: What he means to say is that this clause enjoins upon the presiding officer that he should see every time that quorum is maintained. What he suggests is that it should be for some member to draw his attention to this fact and he should continue the proceedings unless his attention is drawn to the fact that there is no quorum in which case he shall take action and get the bell rung.

Shri Hathi: This is exactly what is provided for in the Constitution in article 189(4).

Shri Gange Narayan Das: It is the Constitution which is creating the difficulty here.

Mr. Speaker: That shall have to be provided in the rules.

Shri Hathi: In the rules, they can provide.

Mr. Speaker: Does he want to press his amendment?

Shri Shree Narayan Das: I withdraw it.

Amendment No. 28 was, by leave withdrawn.

Mr. Speaker: The question is:

"That clause 17 stand part of the Bill".

The motion was adopted.

Clause 17 was added to the Bill.

Clauses 18 and 19 were added to the Bill.

Clause 20— (*Powers, privileges, etc. of members*).

Shrimati Renu Chakravartty: 1 move:

"Page 9,—

after line 13, insert—

"(4) In other respects the powers, privileges and immunities of the Metropolitan Assembly, and of the members and of the committees thereof shall be such as are for the time being enjoyed by the House of the People and its members and committees." (29)

Prior to this, the hon. Minister referred us to the disqualification. Therefore, the disqualifications will be there but none of the powers and privileges will be there. As you know, we have been fighting that as many of the powers and privileges as possible under the Act should be given to them. Therefore, I again plead that the powers and privileges of the Members of the Lok Sabha should also be given to the members of the Metropolitan Council.

Shri Hathi: It is not intended to give the privileges to the members of the Metropolitan Council. The intentions are quite different and its responsibilities are quite different. Therefore, I do not accept this.

Mr. Speaker: I shall now put Amendment 29 to the vote of the House.

Amendment No. 29 was put and negatived.

Mr. Speaker: The question is:

"That clause 20 stand part of the Bill".

The motion was adopted.

Clause 20 was added to the Bill.

Clause 21—(Salaries and allowances of members)

Shri Hari Vishnu Kamath: I have an amendment to insert here.

Mr. Speaker: There is none to this clause. That is a New Clause. The question is:

"That clause 21 stand part of the Bill".

The motion was adopted.

Clause 21 was added to the Bill.

New Clause 21-A—

Shri Hari Vishnu Kamath: Sir, by your leave I move Amendment No. 56, that is, New Clause 21A:

"Page 9,—

after line 15, insert—

"21A. Every order made by the President under section 21 shall be laid before each House of Parliament for approval or such modification as Parliament may deem necessary." (56).

This, in brief, is in line or in consonance with the traditions that this Parliament has laid down in the last few years, and also in consonance with the highest traditions of the best Parliaments in the world, which seeks only to assert the supremacy, the supreme authority of Parliament, that the executive is amenable at all stages, at every stage, to the supremacy of Parliament. I do hope, unless this House wants to stultify itself, unless Members want to stultify themselves, that this House will accept this amendment as has been accepted in another context to the last clause, Clause 38, which was tabled by me in the Committee and the Committee unanimously accepted it.

Therefore, I have sought to provide here also that every order of the President shall be laid before each House of Parliament. My amendment may be recast or re-drafted because it may not be a quite accurate and correct draft in every minute detail. I leave to the Minister and the Draftsman to re-draft it if they want it. But that provision should be there.

Shri Hathl: As Shri Gamath has rightly observed, in clause 38, we had accepted it because there were important matters. So far as this is concerned, I think, it is not a matter about which this august House should be troubled. It is a question of fixing salaries of the members there. I do not think it is necessary.

Mr. Speaker: The question is:

"Page 9,—

after line 15, insert—

"21A. Every order made by the President under section 21 shall be laid before each House of Parliament for approval or such modification as Parliament may deem necessary." (56).

The Lok Sabha divided:

Division No. 23]

AYES

[14.19 hrs.

Anay, Dr. M. S.
Bede, Shri
Banerjee, Shri S. M.
Chakravarty, Shrimati Renu

Chaudhuri, Shri Tridib Kumar
Kamath, Shri Hari Vishnu
Kandappan, Shri S.
Kar, Shri Prabhat

Limaye, Shri Madhu
Murmur, Shri Sarkar
Venkiah, Shri Kolla
Verma, Shri S. L.

NOES

११

Akamma Devi, Shrimati
Alva, Shri Joschim
Bal Krishna Singh, Shri
Barkataki, Shrimati Menaka
Bhattacharyya, Shri C. K.
Bist, Shri J. B. S.
Brajeshwar Prasad, Shri
Brij Basi Lal, Shri
Chakravarti, Shri P. R.
Chacca, Shrimati, Jyotsna
Chandrabhan Singh, Shri
Chandrika, Shri
Chaturvedi, Shri S. N.
Churi Lal, Shri
Daljit Singh, Shri
Das, Shri B. K.
Das, Shri N. T.
Dixit, Shri G. N.
Dwivedi, Shri M. L.
Gandhi, Shri V. B.
Gupta, Shri Badabak
Gupta, Shri Shiv Charan
Haq, Shri M. M.
Jadhav, Shri M. L.
Jadhav, Shri Tukhidas
Jamanadevi, Shrimati
Jedhe, Shri
Jena, Shri
Joshi, Shrimati Subhadra
Jyotishi, Shri J. P.
Kadaria, Shri C. M.
Khanna, Shri P. K.
Kishor Lal, Shri
Mahishi, Dr. Sarojini

Malakhami, Shri
Mandal, Dr. P.
Mandal, Shri Yamuna Prasad
Maniyargaden, Shri
Mantui, Shri D. D.
Marandi, Shri
Masuriya Din, Shri
Mathur, Shri Shiv Charan
Mehrotra, Shri Braj Bihari
Mehta, Shri J. R.
Melkote, Dr.
Mishra, Shri Bibhuti
Mohammad Yusuf, Shri
Mohanty, Shri Gokulananda
More, Shri K. L.
Naik, Shri Maheswar
Naskar, Shri P. S.
Paliwal, Shri
Pande, Shri K. N.
Pant, Shri K. C.
Parashar, Shri
Patil, Shri D. S.
Patil, Shri J. S.
Patil, Shri Vasantao
Prabhakar, Shri Naval
Pratap Singh, Shri
Raghunath Singh, Shri
Rai Shrimati Sahodra Bai
Raja, Shri C. R.
Rajdeo Singh, Shri
Raju, Shri D. B.
Ram Singh, Shri
Ramanathan Chettiar, Shri R.
Ramachkar Prasad Singh, Shri
Rane, Shri

Rao, Shri Jaganatha
Rao, Shri Ramapathi
Raut, Shri Bhole
Roy, Shri Bishwanath
Sachu Ram, Shri
Saments, Shri S. C.
Sarma, Shri A. T.
Sen, Shri P. G.
Shah, Shrimati Jayaben
Sham Nath, Shri
Sharma, Shri K. C.
Shashi Ranjan Shri
Shastri, Shri Ramanand
Shree Narayan Das, Shri
Siddanarayana, Shri
Siddiah, Shri
Singh, Shri S. T.
Singha, Shri G. K.
Sriatak, Shri Nardeo
Sonavane, Shri
Soy, Shri H. C.
Subbaraman, Shri
Sumat Prasad, Shri
Tantia, Shri Rameshwar
Tiwary, Shri K. N.
Tula Ram, Shri
Ukey, Shri
Ulaka, Shri Ramchandoo
Umanath, Shri
Upadhyaya, Shri Shiva Dutt
Venkatesubbaiah, Shri P.
Verma, Shri Balgovind
Yadav, Shri N. P.
Yadav, Shri Ram Harsh
Yadava, Shri B. P.

श्री चन्द्रशेखर लाल चौधरी (महुआ) :

प्रत्यक्ष महोदय, इस में मेरा बोट नहीं धाया है जो कि "नहीं" के लिये है।

Mr. Speaker: The result of the Division is: Ayes—12, Noes—103.

The motion was negatived.

Shri Hari Vishnu Kamath: It is shameful. Parliament is denuding itself of its powers.

Clause 22—(Functions of Metropolitan Council)

Shrimati Benu Chakravarty: I want to move amendment No. 34 only.

Shri Shiv Charan Gupta: I want to move Amendment Nos. 5 and 6. They may be taken up together.

Mr. Speaker: Amendment No. 5 is to Clause 22 and Amendment No. 6 is an insertion of a New Clause.

Shri Shiv Charan Gupta: But this has relation to this.

Mr. Speaker: That will be taken up separately. So, Amendment Nos. 5 and 34 are to be moved.

Shrimati Benu Chakravarty: I move:

"Page 10,—

(i) lines 6 and 7,—

omit "wherever necessary"; and

(ii) lines 8 and 9,—

for "with the views, if any, expressed thereon by the Executive Council",

[Shrimati Renu Chakravartty]

substitute—"and the recommendations made by the Metropolitan Council shall have mandatory effect and shall be executed by the Executive Council, the Administrator or the Central Government, as the case may be." (34).

Shri Shiv Charan Gupta: I move:

"Page 9,—

for lines 31 to 33, substitute—

"(d) the estimated receipts and expenditure pertaining to Delhi Electricity Board, Delhi Transport Board and Delhi Development Authority;" (5)

Shri Hathi: I beg to move:

Page 9, for lines 31 to 33, substitute—

"(d) the estimated receipts and expenditure pertaining to Delhi to be credited to and to be made from, the Consolidated Fund of India; and notwithstanding anything contained in the Delhi Development Act, 1957 (61 of 1957), the estimated receipts and expenditure of the Delhi Development Authority;" (62)

Mr. Speaker: These amendments are now before the House.

Shrimati Renu Chakravartty: I have moved only amendment No. 34 to this clause. We are totally opposed to the entire clause 22. But at this stage, I have sought to move an amendment to lines 6 to 9 at page 10 of the Bill.

14.21 hrs.

[SHRI SONAVANE in the Chair]

After all, the powers of the metropolitan council are being reduced only to making recommendations. As we have already stated, this metropolitan council is nothing but a farce, it is just a talking shop, and the only powers that are being given to the

members of the metropolitan council are....

Shri C. K. Bhattacharyya (Raiganj): Why is the hon. Member then moving so many amendments, calling for divisions and troubling the House over them?

Shrimati Renu Chakravartty: Very probably, he has never worked on things like this. He has never moved any amendments, probably because he does not know how to move amendments at all.

Shri Hari Vishnu Kamath: If he finds it so much of a trouble why does he not go out? He can go out.

Shri C. K. Bhattacharyya: When I see Shri Kamath speaking there, I do not feel like....

Shri Hari Vishnu Kamath: We do not want him here; let him go out. If he does not want to stand this trouble you may ask him to go out.

Mr. Chairman: Order, order.

Shri S. M. Banerjee: That remark of Shri Bhattacharyya should be expunged from the proceedings.

Shri Hari Vishnu Kamath: It is irrelevant talk that he is indulging in.

Shri C. K. Bhattacharyya: I did not characterise the legislation as a farce, but they are calling it a farce.

श्री सच्चु लिखते : हमारा अधिकार है, आप कैसे कह सकते हैं ?

Mr. Chairman: Hon. Members have a right to move amendments.

Shri Hari Vishnu Kamath: Shri Bhattacharyya is obstructing the proceedings of the House.

Shrimati Renu Chakravartty: When the Members on that side of the House obstruct the proceedings, you should ask them to leave the House.

The metropolitan council has been given only the right of recommendation. This is a clause which is, therefore, the most obnoxious. Therefore, the most obnoxious. Therefore, I have said that after the metropolitan council has considered and discussed and made proposals to the administrator or the Central Government or the executive council, whichever authority it be, those recommendations should be accepted and they should be acted upon by that authority. That is my suggestion.

Shri S. M. Banerjee: They should be mandatory.

Shrimati Renu Chakravarty: If really what Government have stated up till now is true—which we do not think is true—it will be proved by their acceptance or their rejection of this clause. Up till now, they have been telling us 'How can we do this? It is against the Constitution' and so on. After the metropolitan council makes a proposal, that proposal must be accepted by the authorities, and it should not be open to them to reject it. That is my proposal. If Government are going to reject even this amendment, it means that they do not give any weightage to the discussions and the proposals made by the metropolitan council.

Shri S. M. Banerjee: I support Shrimati Renu Chakravarty in this matter and I totally oppose this particular cause.

My hon. friend Shri C. K. Bhattacharyya wanted us not to move amendments.

Shri C. K. Bhattacharyya: No, I have never stated that they should not move amendments. I hope you will kindly bear me out. They called this legislation a farce. I said that this was not what they should do. Parliament is passing a legislation and they are characterising it as a farce; they should be ashamed of the statement that they have made.

Shri S. M. Banerjee: I was only explaining why we were moving amend-

ments. We want that this Bill should be thrown overboard completely. But we want to educate the ruling party Members including Shri C. K. Bhattacharyya. First of all, we want to amend them and then throw them out. That is the reason why we move amendments.

I support Shrimati Renu Chakravarty's amendment.

Clause 22 says:

"Subject to the provisions of this Act, the Metropolitan Council shall have the right to discuss, and make recommendations with respect to, the following matters . . .".

and then the various items are mentioned. This is exactly like the Indian Labour Conference.

In the Fifteenth Labour Conference, we had taken a decision that the minimum wage should be Rs. 125, but it was never accepted by anybody. Unless these recommendations are mandatory and it is made incumbent upon Government to accept them, nothing is going to be accepted. Therefore, I submit that they should be made mandatory. Otherwise, I still hold the view that this will be a dignified coffee-house where things will be talked about and nothing will come out of it.

I, therefore, submit that this amendment of Shrimati Renu Chakravarty must be accepted by Government.

श्री बड़े : श्रीमती रेणु चक्रवर्ती ने प्रमोवमेंट दिया है मैं उसको पूर्णतया सपोर्ट करता हूँ और मेरे कांसेस मित्र जो सेलेक्ट कमेटी में राजीनामा देकर या उससे नाराज होकर त्याग पत्र देकर भाग्य हैं कम से कम उनको देखना चाहिये जैसे बीघरी बड़ा प्रकार और दूसरे दो तीन मेम्बर हैं कि मेट्रोपोलिटन कमिशन को प्रगर एफेक्टिव बनाना है तो उसकी रेकमेंडेशन को एम्प्लीफाईड कांसिल को मानना चाहिये । प्रदटाचार्य जी ने कहा कि हब कहते हैं कि यह सार्ज है, तो प्राय

[श्री बड़े]

धीरे से पढ़िये आप देखेंगे कि यह मेट्रोपोलिटन कांसिल बिल्कुल एक डिबटिंग सोसायटी है।

They will make recommendations which may be accepted or not. That is another question. यह एक्सेप्ट करना

है या नहीं करना है, यह एग्जीक्यूटिव कांसिल की ज़ुम्मी पर रहेगा। तो इस प्रकार की मेट्रोपोलिटन कांसिल बना कर समय भी व्यतीत करना और पैसा भी खर्च करना, इसको फर्स नहीं कहेंगे तो और क्या कहेंगे? और इसी वास्ते इसको एफेक्टिव बनाने के वास्ते यह प्रमेंडमेंट लागू है। अगर शासन में सद् बुद्धि है और वह दिल्ली को खिलौना न देकर सचमुच कुछ देना चाहता है तो मेट्रोपोलिटन कांसिल को एफेक्टिव बनाने के लिए उसके जो रेजोल्यूशनस हैं उनको एग्जीक्यूटिव कांसिल को मनना चाहिये। यह इतना सीधा साधा प्रमेंडमेंट है और जो आपका इन्टेंशन है उसको एफेक्टिव बनाने वाला प्रमेंडमेंट है। मैं समझता हूँ शासन इसको मान लेगा और सदन इस इन्फोर्सेड प्रमेंडमेंट को स्वीकार करेगा।

श्री मधु लिमये : अध्यक्ष महोदय, मैं समझता हूँ कि इस विधेयक की सबसे खतरनाक धारा 22 है। यह लोकतंत्र की हत्या करने वाली धारा है जिसको लेकर आप लोगों को थोड़ी शर्म आनी चाहिये। अध्यक्ष महोदय, लोकतंत्र का आधार है कि आमदनी और खर्च पर लोक प्रतिनिधियों के द्वारा नियंत्रण और लोक तंत्र का दूसरा आधार है कि अपने लिए कानून बनाने, सुधारने और बिगाड़ने का भी अधिकार। लेकिन इस धारा के अंदर इन दो अधिकारों को समाप्त किया गया है। पहले मैं आपका ध्यान संविधान की धारा "239 ए-" की ओर खींचना चाहता हूँ जो असल में सारी बीमारियों की जड़ है। आपने कहा कि संविधान में परिवर्तन करना पड़ेगा। तो परिवर्तन तो बार-बार करते

आये हैं। यह जो धारा लिखी गई है यह भी संशोधन द्वारा परिवर्तन करके आप लिखे हुए हैं। इसमें साफ लिखा है कि यह धारा कांस्टीट्यूशन फोरटॉन्थ प्रमेंडमेंट ऐक्ट 1962 के जरिये बनाई गई है। अब आप जरा देख लीजिये क्या धारा है :

"Parliament may by law create for any of the Union territories of Himachal Pradesh, Manipur, Tripura, Goa, Daman and Diu and Pondicherry—

(a) a body; whether nominated or elected or partly nominated and partly elected, to function as a Legislature for the Union territory; or

(b) a Council of Minister, or both with such constitution, powers and functions, in each case, as may be specified in the law."

आगे कहा गया है :

"Any such law as is referred to in clause (1) shall not be deemed to be an amendment of this Constitution for the purposes of article 368 notwithstanding that it contains any provision which amends or has the effect of amending this Constitution."

अब सभापति महोदय, इस में अगर इन केन्द्र शासित प्रदेशों का नाम नहीं गिनाया जाता, क्या हाथी साहब भुन रहे हैं? क्या मूख को आप के कान मिल सकते हैं?

श्री हाथी : मैं सुन रहा हूँ।

श्री मधु लिमये : हाथी साहब, अगर आप इस परिवर्तन को करते समय इन केन्द्र शासित प्रदेशों के नाम नहीं रखते केवल

यहां तक ही रखते 'टैरीटरीज' और प्रांगे जो हिमाचल प्रदेश, मनिपुर, त्रिपुरा, गोवा और पांडेचेरी के जं। नाम गिनाये गये हैं वह भ्रगर नहीं रखते तो संविधान में बिना परिवर्तन किये प्राप दिल्ली को विधान सभा का अधि-कार दे सकते थे। लेकिन 14वें संविधान के संशोधन का जो प्राप का विधेयक था उस के अन्दर प्राप ने इन प्रदेशों के नाम जोड़ दिये। तो मैं भर्ज कर्ंगा हाथी साहब से कि वह एक ऐसा तरमीम करने वाला विधेयक लायें जिससे यह नाम हट जायें और फिर प्राप को पूरा अधिकार मिलेगा। यह विधेयक जो प्राप लाये हैं उससे वह अच्छा होता। वैसे तो प्राप अधिकार ले रहे हैं सदस्यों को नामजद करने का फिर प्राप ने विधान सभा देने यह अधिकार अपने हाथ में क्यों नहीं रक्खा? दिल्ली को भी विधान सभा देने का अधिकार प्राप अपने हाथ में रख सकते थे, लेकिन प्राप ने नहीं रक्खा जानबूझ कर।

अब सभापति महोदय, मैं प्राप से निवेदन कर्ंगा कि भ्रगर प्राप संविधान के पूरे ढांचे को देखेंगे तो उस में दो धारायें बहुत महत्वपूर्ण हैं। एक धारा कानून बनाने के सम्बन्ध में है और वह है

245 (1) जो कि इस तरह है :-

"Subject to the provisions of this Constitution, Parliament may make laws for the whole or any part of the territory of India, and the Legislature of a State may make laws for the whole or any part of the State".

यह कानून बनाने का बड़ा अधिकार इस संविधान के अन्दर है जो कि एक लोकतंत्र का आधार है। फिर प्राप देखिये 113 धारा है जिसके कि अन्तर्गत ग्रामदनी और खर्च पर नियंत्रण रखने का अधिकार हम लोक सभा को है। उसी के अन्तर्गत जो दूसरी धारा है 203 उस के अन्तर्गत राज्यों की विधान सभाओं को यह अधिकार मिलता है।

सभापति महोदय, प्राप धारा 113 (2) ठीक तरीके से देख लीजिये :-

"So much of the said estimates as relates to other expenditure shall be submitted in the form of demands for grants to the House of the People, and the House of the People shall have power to assent or to refuse to assent, to any demand; or to assent to any demand subject to a reduction of the amount specified therein".

यह लोकतंत्र की धारणा है। अब इस विधेयक की 22 धारा प्राप देख लीजिये। उस में यह कहीं भी धारणा नहीं पाते हैं।

"Subject to the provisions of this Act, the Metropolitan Council shall have the right to discuss".

यानी स्कूलों में और कालिजों में जो वाद-विवाद की संस्था होती है और उस को जिस तरीके से सभी विषयों पर विवाद करने का अधिकार होता है तो उसी तरह हाथी साहब और और नन्दा साहब बड़े उदार हो गये हैं और दिल्ली के नागरिकों के द्वारा जो प्रतिनिधि चुने जायेंगे उन को उन्होंने बड़े उदार होकर कालिज और स्कूलों के बच्चों को जो अधिकार वाद-विवाद करने का होता है वह अधिकार दिया है। और प्रांगे प्राप क्या कहते हैं? सिर्फ इन कानूनों का अधिकार जो प्राप दे रहे हैं—

"and make recommendations with respect to the following matters in so far as they relate to Delhi, namely"

एक तो कानून के सम्बन्ध में सिफारिश करने का और (दो) :-

"the estimated receipts and expenditure pertaining to Delhi which are to be credited to, or is to be met from, the Consolidated Fund of India".

[श्री मधु लिमये]

सभापति महोदय, हम लोकसभा में दो, तीन चीजों को लेकर काफी बहम हुई है। पिछले साल घाप को पता होगा कि लोकसभा और और राज्यसभा की जो अनुदान की मांगें हैं उन को घटाने या मंजूर करने का या घटा कर मंजूर करने का हमें अधिकार है इस बात को लेकर कई दफे कटौती प्रस्ताव मैंने दिये और घाप को मालूम है कि इस विषय को लेकर अध्यक्ष महोदय के और मेरे बीच में बड़ा बहुत झगड़ा भी पैदा हो गया और मैं सुप्रीम कोर्ट तक गया। लेकिन सुप्रीम कोर्ट ने मुझ को कहा कि देखिये यह राजनितिक मामला है हम मामले में हम दखल नहीं दे सकते मैंने पूछा सुप्रीम कोर्ट वालों से कि अगर कल हमारे अध्यक्ष महोदय यह फैसला करें कि जो सुरक्षा के सम्बन्ध में अनुदान की मांगें हैं 900 करोड़ रुपये की मांगें, उन के बारे में यदि यह फैसला किया जाय कि उस के ऊपर भी कटौती प्रस्ताव न रखे जायें और न उस के ऊपर बहस की जाय तो क्या इस के बारे में भी घाप दखल नहीं दे सकते? उन्होंने कहा कि यह तो घाप प्रतिनियोगिनी की बात कह रहे हैं लेकिन अगर ऐसा हो जायेगा तो प्रजातंत्र खत्म हो जायेगा, लेकिन अदालत फैसला नहीं कर सकती है हालांकि सुप्रीम कोर्ट के न्यायाधीशों ने यह माना कि प्रजातंत्र का यह प्राण है कि खर्च और घ. म. द. नी. पर नियंत्रण होना चाहिये। जब घाप एक मेट्रोपोलिटन काउंसिल का गठन करने जा रहे हैं तो जिस बात को लेकर यहां झगड़ा हुआ और कामत साहब हर दिन झगड़ा कर रहे हैं कि राज्य सभा का अधिकार क्या है लोकसभा का अधिकार क्या है। दोनों की एक कमेटी के जरिये घाप इस मामले को हल करना चाहते हैं। मेरा तो कहना है कि कमेटी का कोई अधिकार ही नहीं हो सकता। यह अधिकार अकेले लोकसभा का है मांगों पर विचार करने का और उनको घटाने का।

Shri Hathi: Which amendment is he talking about?

Shri Hari Vishnu Kamath: Cl. 22.

श्री मधु लिमये : मैं पूरी 22वीं धारा का विरोध कर रहा हूं। मैं धारा का पूरा विरोध बुनियादी तौर पर कर रहा हूं। इस को बिल्कुल फैंक देना चाहिये। मैं तरमीमों पर बिल्कुल नहीं बोल रहा हूं। यह धारा इतनी गंदी है कि इस में परमेश्वर भी सुधार नहीं कर सकता। इस को फैंक देना चाहिये। मैं लोकतंत्र का बुनियादी सिद्धान्त घाप के सामने रख रहा था कि अनुदान की जितनी मांगें घाती हैं बजट के अन्दर मेरा यह कहना था कि लोकसभा मन्त्रिवालय की मांगों पर भी और राज्य सभा मन्त्रिवालय की मांगों पर भी बहस होनी चाहिये और कटौती प्रस्ताव पेश करने का अधिकार होना चाहिये और इसी चीज को लेकर कमेटी की जो बात खली है कामत साहब बारबार इस सवाल को उठा रहे हैं तो मेरा घाप से निवेदन है

श्री हरि विश्व कथत : प्रागे फिर उठाऊंगा।

श्री मधु लिमये : जी हां, प्रागे फिर उठायेगे। मेरा निवेदन है कि लोकतंत्र का जो यह आधार है कानून बनाना, जनता के हित के मर्यादित और संविधान की धारा के अन्तर्गत और दूसरा अधिकार खर्च पर नियंत्रण रखना उस के बिना दायित्व रह नहीं जायगा सरकार की कोई जिम्मेवारी लोक प्रतिनिधियों के प्रति नहीं होगी। इसलिए इस धारा का और पूरे विधेयक को हाथी साहब वापिस लें और संविधान में मैंने जैसे कहा परिवर्तन करके दिल्ली की जनता को विधान सभा देने वाला विधेयक लायें जिससे कि लोकतंत्र के हितों की रक्षा हो सके।

Shri Shiv Charan Gupta: I have my amendment to substitute sub-cl. (d). My amendment says that that sub-clause shall be substituted by the following:

"the estimated receipts and expenditure pertaining to Delhi Elec-

tricity Board, Delhi Transport Board and Delhi Development Authority".

Regarding estimated receipts pertaining to Delhi, I have tabled an amendment for introducing a new clause, 22A to 22E. I am not at present dealing with this new clause. But my amendment No. 3 deals with sub-clause (d) of clause 22.

At present, the Municipal Corporation of Delhi has powers to discuss the budgets of the Delhi Electricity Board and the Delhi Transport Board and they have to take a decision also on that. According to the arrangement the Home Ministry is evolving for Delhi, it is proposed to take away from the Corporation the Delhi Electricity Board and also the Delhi Transport Board. Now, it will be in the fitness of things that at least the Metropolitan Council should have an opportunity to discuss the budgets of the Delhi Electricity Board and the Delhi Transport Board as also the Delhi Development Authority at least once a year at the time of the budget discussion, and express its opinion and review the developmental activities of the two Boards and make its recommendations to these Boards. Otherwise, what will happen is that these Boards will function quite independently, and no authority, no popular body like the Metropolitan Council, would be in a position to discuss their budget. And without that, the powers which are already enjoyed by the elected representatives in Delhi will be limited. So, I was suggesting that the relation between the Metropolitan Council and the Delhi Electricity Board and the Delhi Transport Board should be the same as the relationship of these towards State Legislatures at other places. Therefore I have moved these amendments.

I am happy that the hon. Home Minister has accepted that the Council should discuss the estimates and expenditure of DDA. I would request him to accept the same position with regard to Delhi Electricity Board and Delhi Transport Board. Later on,

when the other clauses are taken up, I will discuss what should be the arrangement regarding the estimates of receipts and expenditure for Delhi.

Shri S. Kandappan. I have got to say only a few words in support of Shrimati Renu Chakravarty's amendment. If her amendment is not acceptable to the Government, it is not only a farce, it will be worse than a farce. At least a farce is a harmless thing, whereas here you create at the cost of the poor taxpayer a Council without giving any power to it. They cannot do anything. A taxpayer in Delhi, or for that matter, even an outsider who comes to Delhi, if he finds something which is not right and which should be corrected, can write to the Commissioner or a letter to the editor in the press. The Commissioner or the Government may look into it or may not look into it. It is almost tantamount to that. If nothing can be done, why should this Metropolitan Council be constituted at all?

Shri Hathi: So far as the amendment of Shri Shiv Charan Gupta is concerned, I have accepted a part of it, DDA. The other two bodies are not yet in existence, they will have to be formed under other Acts. Therefore it is not possible to include them now. But under clause (f) there is provision to include any other matter. We shall see if that can be included later on.

Mr. Chairman: Amendment No. 34.

Shrimati Renu Chakravarty: He did not reply to it at all. It is the most important amendment.

बी सब लिखते : हम लोगों के द्वारा उठाए गए किसी भी नुस्खे का जबाब नहीं दिया गया है।

बी हरि बिष्णु कामत : वह भूल गए हैं। वह बिम को जन्दी पाम करना चाहते हैं।

Shri Hathi: I am sorry.

Shrimati Renu Chakravarty: He is so much taken up with Shri Shiv Charan Gupta and Shri Brahm Prakash.

Mr Chairman: They are also interested.

Shri Hathi: Because that was very short and last.

The amendment of Shrimati Renu Chakravartty is that the recommendations should be accepted and executed and implemented by the Executive Council and the Central Government. I may say that the recommendation of the Metropolitan Council goes to the Executive Council, to the Administrator and the Government. We shall give it due weight and utmost consideration.

Shrimati Renu Chakravartty: What is due weight?

Shri Hathi: I will explain the reason. The recommendation may be to have a big thermal power station in Delhi. We will have to come to Parliament also for money. It cannot be that all recommendations can be accepted because there may be financial implication, and we will have to have money from this House. We cannot therefore

bind ourselves to accept, execute and implement. The only thing I can say is that we shall consider it duly, and give it the utmost consideration. That is the only thing. I cannot bind myself to execute and implement, that is not possible.

Shrimati Renu Chakravartty: You will not implement, that is quite clear.

Mr. Chairman: The question is:

Page 10.—

(i) lines 8 and 7,—

omit "wherever-necessary; and (ii) lines 8 and 9,—

for "with the views, if any expressed thereon by the Executive Council",

substitute—

"and the recommendations made by the Metropolitan council shall have mandatory effect and shall be executed by the Executive Council, the Administrator or the Central Government as the case may be". (34)

The Lok Sabha divided:

Division No. 24]

[14.50 hrs.

AYES

Banerjee, Shri S. M.
Chakravartty, Shrimati Renu
Imbichibawa, Shri
Jha, Shri Yogendra

Kachhavaia, Shri Hukam Chand
Kamath, Shri Hari Vishnu
Kandjappan, Shri S.
Kar, Shri Prabhat

Mukerjee, Shri H. N.
Shastri, Shri Prakash Vir
Singh, Shri Y. D.
Venkaiah, Shri Kolla

NOES

Bal Krishna Singh, Shri
Barupal, Shri P. L.
Bhattacharyya, Shri C. R.
Brajeshwar Prasad, Shri
Brij Basi Lal, Shri
Chakravarti, Shri P. R.
Chanda, Shrimati Jyotsna
Chandrika, Shri
Chaudhry, Shri Chandramani Lal
Chaudhuri, Shrimati Kamala
Chini Lal, Shri
Das, Shri B. K.
Das, Shri N. T.
Dro Bhanji, Shri P. C.
Dixit, Shri G. N.
Dwivedi, Shri M. L.
Gandhi, Shri V. B.
Gupta, Shri Balabhai
Gupta, Shri Shiv Charan
Jadhav, Shri M. L.
Jadhav, Shri Talshidas
Jaisankar, Shri Shrimati
Jaisankar, Shri
Jena, Shri

Joshi, Shrimati, Subhadra
Jyotishi, Shri J. P.
Kedaria, Shri C. M.
Khanna, Shri Mehr Chand
Khanna, Shri P. K.
Koujalgi, Shri H. V.
Krupa Shankar, Shri
Laskar, Shri N. R.
Mali Mariyappa, Shri
Mandal, Dr. P.
Mandal, Shri Yamuna Prasad
Maniyangadan, Shri
Mantri, Shri D. D.
Masuriya Din, Shri
Matcharaju, Shri
Mehrotra, Shri Braj Bihari
Mehta, Shri J. R.
Mishra, Shri Bibhuti
Mishra, Shri Shyam Dhar
Mohammad Yusuf, Shri
Mohanji, Shri Gokulananda
Mourya, Shri
More, Shri K. L.
Nair, Shri D. J.

Nair, Shri
Nanda, Shri
Nasikar, Shri P. S.
Pande, Shri K. N.
Pandey, Shri R. S.
Pant, Shri K. C.
Patel, Shri Chhorubhai
Patil, Shri N. N.
Patel, Shri Kanchanwar
Patil, Shri D. S.
Patil, Shri Vasant Rao
Prabhakar, Shri Naval
Pratap Singh, Shri
Rai, Shrimati Sabodra
Raja, Shri C. R.
Rajdeo Singh, Shri
Raju, Shri D. B.
Ram Sewak, Shri
Ram Swarup, Shri
Ramesh Chatterjee, Shri R.
Ramesh Chandra Prasad Singh, Shri
Rane, Shri
Rao, Shri Jagannath
Rao, Dr. K. L.
Rao, Shri Kamapathi

Raut, Shri Bholu
Roy, Shri Bishwanath
Sadhu Ram, Shri
Saha, Dr. S. K.
Samanta, Shri S. C.
Sham Nath, Shri
Sharma, Shri K. C.
Shastri, Shri Ramanand
Shoo Narain, Shri
Shree Narayan Das, Shri

Shukla, Shri Vidya Charan
Siddhananappa, Shri
Siddhoshwar Prasad, Shri
Singh, Shri S. T.
Singha, Shri G. K.
Sinha, Shrimat I Ramdulari
Subbaraman, Shri
Suman Prasad, Shri
Tiwari, Shri K. N.

Tiwari, Shri R. S.
Tula Ram, Shri
Ulray, Shri
Ulaks, Shri Ramachandra
Upadhyaya, Shri Shiva Dutt
Verma, Shri Balgovind
Wadwa, Shri
Yadav, Shri N. P.
Yadav, Shri Ram Harsh
Yadava, Shri B. P.

Mr. Chairman: The result of the division is: Ayes 12; Noes 102.

The motion was negatived.

Mr. Chairman: What about amendment No. 5?

Shri Shiv Charam Gupta: I withdraw.

Mr. Chairman: Has he the leave of the House to withdraw his amendment?

Some hon. Members: Yes.

Shrimati Renu Chakravarty: No.

Mr. Chairman: I put Amendment No. 5 to the vote of the House.

Amendment No. 5 was put and negatived.

Shrimati Renu Chakravarty: You should have asked, "Has he the leave of the House to withdraw his Amendment?". We would have said no.

Mr. Chairman: He did ask for leave to withdraw.

श्री मधु लिनदे : घ्रापको वह क्वेश्चन सदन के सामने रखना चाहिये ।

Mr. Chairman: I had to put it, when the Opposition said that no leave had to be granted. I shall now put amendment No. 62 to the vote of the House. The question is:

page 9,—

for lines 31 to 33, substitute—

"(d) the estimated receipts and expenditure pertaining to Delhi to be credited to and to be made from the Consolidated Fund of

India; and notwithstanding anything contained in the Delhi Development Act, 1957 (61 of 1957), the estimated receipts and expenditure of the Delhi Development Authority" (62).

The motion was adopted.

Mr. Chairman: I shall now put clause 22, as amended, to the vote of the House.

Shrimati Renu Chakravarty: We oppose it. Even though we have passed an amendment by Shri Hathi, it is nothing at all because estimated receipts and expenditure are going to be credited to the Consolidated Fund of India. We have always demanded and we shall continue to demand that all the decisions to be taken by the Metropolitan Council must be permitted to be implemented by the other authorities and I am very surprised that persons like Shri Shivcharan Gupta and Brahm Prakash who have created so much noise do not say anything. It is nothing but noise for public consumption. When they come inside the House they have behaved nothing better than Shrimati Subhadra Joshi or Shri M. C. Khanna.

Shri S. M. Banerjee rose—

Mr. Chairman: I think you have already expressed your views. Dilatory tactics may not be adopted.

श्री मधु लिनदे : यह नया मोशन है ।

Shri S. M. Banerjee: By this new amendment Shri Hathi wants to give the impression to this House that he has practically changed this clause; it is not; it is very deceptive. What does it say: the estimated receipts and expenditure pertaining to Delhi to be

[Shri S. M. Banerjee]

credited to and to be made from the Consolidated Fund of India. What is this? There should be some proper amendment to this clause so that it may become acceptable to us. When we are going to vote against the whole clause, even at this late hour, I suggest that he should accept some of our amendments. If he is unable to do so, let him actually wait for some time and bring his own amendment which would meet the reasons advanced by us. I hope the Minister will consider it.

Shri Hathi: There is no question of my waiting and bringing any amend-

ment because so long as I am prepared to accept any amendment I am accepting it. Where I am not able to accept, I give the reasons.

Shri S. M. Banerjee: We shall accept your amendments provided you bring in amendments.

Mr. Chairman: I will put clause 22, as amended, to the vote. The question is:

"That Clause 22, as amended, stand part of the Bill."

The Lok Sabha divided:

Division No. 25]

AYES

[14.59 hrs.

Aney, Dr. M. S.
Arunachalam, Shri
Azad, Shri Bhagwat Jha
Bakhtwal, Shri
Bal Krishna Singh, Shri
Bhatkar, Shri
Bhattacharyya, Shri C. K.
Brajeshwar Prasad, Shri
Brij Basi Lal, Shri
Chakraverty, Shrimati Renu
Chakraverti, Shri P. R.
Chanda, Shrimati Jyotsna
Chandrika, Shri
Chaudhry, Shri Chandramani Lal
Chaudhuri, Shrimati Kamala
Chuni Lal, Shri
Daljit Singh, Shri
Das, Shri B. K.
Das, Shri N. T.
Deo Bhanj, Shri P. C.
Gandhi, Shri V. B.
Gupta, Shri Badabab
Gupta, Shri Shiv Charan
Jedhe, Shri
Jena, Shri
Joshi, Shrimati, Subhadra
Jyotlali, Shri J. P.
Kedaria, Shri C. M.
Khanna, Shri P. K.
Koujalgi, Shri H. V.
Kapu Shankar, Shri

Laakar, Shri N. R.
Mandal, Dr. P.
Mandal, Shri Yamuna Prasad
Maniyangadan, Shri
Mantri, Shri D. D.
Masuriya Din, Shri
Mataraju, Shri
Mehrotra, Shri Braj Bihari
Mehta, Shri J. R.
Melkote, Dr.
Mishra, Shri Bibhuti
Misra, Shri Mahesh Dutta
Misra, Shri Shyam Dhar
Mohanty Shri Gokulananda
More, Shri K. L.
Nanda, Shri
Naskar, Shri P. S.
Panna Lal, Shri
Patel, Shri N. N.
Patil, Shri J. S.
Patil, Shri Vasantroo
Prebhakar, Shri Naval
Pratap Singh, Shri
Rai, Shrimati Sahodra Bai
Raja, Shri C. R.
Rajdeo Singh, Shri
Raju, Shri D. B.
Ram Sevak, Shri
Ram Swarup Shri
Ramaekhar Prasad Singh, Shri
Rane, Shri

Kao, Shri Jagannath
Kao, Shri Ramapathi
Raut, Shri Bhola
Roy, Shri Bishwanath
Sadhu Ram, Shri
Saha, Dr. S. K.
Samanta, Shri S. C.
Sham Nath, Shri
Sharma, Shri K. C.
Shastri, Shri Ramanand
Sheo Narain, Shri
Shree Narayan Das, Shri
Shukla, Shri Vidya Charan
Siddananappa, Shri
Siddheshwar Prasad, Shri
Singha, Shri G. K.
Sinha, Shrimati Ramdulari
Snatak, Shri, Nardoo
Subbaraman, Shri
Sumat Prasad, Shri
Tiwary, Shri K. N.
Tiwary, Shri R. S.
Tula Ram, Shri
Ukey, Shri
Ullak, Shri Ramachandra
Upadhyaya, Shri Shiva Dutt
Verma, Shri Balgovind
Wadiwa, Shri
Yadav, Shri N. P.
Yadav, Shri Ram Harkh
Yadava, Shri B. P.

NOES

Banerjee, Shri S. M.
Bawa, Shri Onkar Lal
Brahm Prakash, Shri
Jadhav, Shri Tulshidas
Kamath, Shri Hari Vishnu

Kar, Shri Prabhat
Kishor Lal, Shri
Kishnapal Singh, Shri
Limaye, Shri Madhu
Mata, Shri

Mukherjee, Shri H. M.
Miranjan Lal, Shri
Venkatesh, Shri Kotha

Mr. Chairman: The result of the division is:

Ayes 93; Noes 13

The motion was adopted.

Clause 22, as amended, was added to the Bill.

Some hon. Members rose rose—

श्री तुलसीदास जायस (नावेड़) : मुझ से गलती हो गई है, मैं पक्ष में देना चाहता हूँ ।

Mr. Chairman: Your vote will be added. We will now take up amendment No. 6; we will take up clause 22(A).

Clause 22A

15 hrs.

Shri Hari Vishnu Kamath: My amendment is No. 57, which seeks to insert a new clause 22A, after clause 22.

Mr. Chairman: Shri Shiv Charan Gupta.

Shri Shiv Charan Gupta: I beg to move:

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after line 9, insert—

"22A. (1) The Administration of Delhi shall in respect of each financial year cause to be laid before the Metropolitan Council, with the previous approval of the President, a statement of the estimated receipts and expenditure of Delhi for that year.

(2) The estimates of expenditure shall show separately:—

(a) the sums required to meet expenditure described by this Act as expenditure charged upon the Fund of the Union territory of Delhi; and

(b) the sums required to meet other expenditure proposed

to be met from the Fund of the Union territory of Delhi and shall distinguish expenditure on revenue account from other expenditure.

(3) The following expenditure shall be charged on the Fund of the Union territory of Delhi:—

(a) the emoluments and allowances of the Administrator and other expenditure relating to his office as determined by the President by general or special order;

(b) the charges payable in respect of loans advanced to Delhi from the Consolidated Fund of India including interest, sinking fund charges and redemption charges and other expenditure connected therewith;

(c) the salaries and allowances of the Chairman and the Deputy Chairman of the Metropolitan Council;

(d) any sums required to satisfy any judgment, decree or award of any court or arbitral tribunal;

(e) expenditure incurred by the Administrator in the discharge of his special responsibilities; and

(f) any other expenditure declared by the Constitution or by law made by Parliament to be so charged;

22B. (1) So much of the estimate as relates to expenditure charged upon the Fund of the Union territory of Delhi shall not be submitted to the vote of the Metropolitan Council but nothing in this sub-section shall be construed as preventing the discussion

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in the Metropolitan Council of any of those estimates.

- (2) So much of the said estimates as relates to other expenditure shall be submitted for grant to the Metropolitan Council and the Council shall have power to assent, or to refuse assent or to assent subject to a reduction of the amount specified therein.

22C. As from such date as the Central Government may, by notification in the official Gazette, appoint in this behalf Government of India shall form one fund to be entitled "the Fund of the Union territory of Delhi" and such sum may be transferred to it from the Consolidated Fund of India as the Parliament may appropriate from time to time.

22D. The Custody of the Fund of Union territory of Delhi, the payment of moneys into such Fund, the withdrawal of moneys therefrom and all other matters connected with or ancillary to those matters shall be regulated by Rules made by the Administrator with the approval of the President.

22E. The reports of the Public Accounts Committee and the Estimates Committee of the Parliament of India relating to the accounts and affairs of various Departments, Authorities, and Boards functioning in the Union territory of Delhi for any period subsequent to the date after establishment of Metropolitan Council shall be submitted to the Chairman who shall cause them to be laid before the Metropolitan Council." (6)

Sir, the hon. Home Minister, while concluding the discussion on the Bill earlier, referred to a committee of

three persons which discussed this matter regarding financial powers. It is a fact that a committee of three persons on behalf of the Delhi Pradesh Congress Committee discussed the matter threadbare with the Home Minister, and the opinion was that according to the Constitution, it is not possible to give substantial financial powers to the Delhi Metropolitan Council. But, at the same time, it is also a fact that whenever this matter was discussed by the representatives of Delhi, it was always emphasised on the Home Ministry that without financial powers, it will be difficult to accept the present arrangement, because the present arrangement will not have its soul, and it would be difficult to establish the responsibility between the Metropolitan Council and the Executive Council.

While making these amendments, I have suggested that a fund should be created, a fund called the Fund of the Union territory of Delhi, and Parliament by appropriation may transfer such funds from the Consolidated Fund of India as it considers necessary from time to time. Then, I have suggested that the expenditure may be submitted to the Metropolitan Council for grant, so that some responsibility is fixed and also the relationship between the Metropolitan Council and the Executive Council is established.

I have to submit two points. I am not a constitutionalist or a legal expert, but, at the same time, I am aware and I request the hon. Home Minister that he may kindly now look into the files of the Law Ministry; and the opinion of the constitutionalists has been, in this respect, as I mentioned the day before yesterday during the general discussion, that clause (4) of article 246 provides that Parliament has power to make laws with respect to any matter for any part of the territory of India not included in a State notwithstanding that

such matter is a matter enumerated in the State List. Thus, in respect of the Union territories, which are a part of the territory of India not included in any State, Parliament has power to make laws with respect to all matters whatsoever. These are the words of a Constitutional expert. Again, recourse is taken to article 239A. The Government is aware that article 239A was made a part of the Constitution as a matter of abundant caution, so that there is no difficulty with regard to the creation of a legislature in Himachal Pradesh and a few other Union territories.

Now, the question is whether the power of Parliament to make laws as given in articles 245, 246 and 248 is subject to any limitation by article 239(1) or 239A. As a matter of fact, in respect of the Union territories, article 239(1) also provides as follows:

"Save as otherwise provided by Parliament by law, every Union territory shall be administered by the President acting, to such extent as he thinks fit, through an administrator to be appointed by him with such designation as he may specify."

According to this and other Articles the powers of Parliament are absolute and plenary in respect of the Union Territory of Delhi. I do not want to go into the question of the legislature because Government has stated that as a matter of principle, or as a matter of policy, they do not want to give a legislature to Delhi, but I would certainly like to discuss this matter from the point of view of the Constitution, because, if the Government say that the Constitution does not provide for it; then it becomes a debatable question. Similarly, when the question of financial powers come, I would remind the hon. Home Minister that even at the time when this Bill was being referred to the Joint Committee, it was accepted that if within the framework of the present Constitution it is possible to give financial powers to the Metropolitan Council, financial powers would be given. I admit

that I was not aware of the constitutional position or the legal position with regard to this, but as I have discussed the matter further with some experts, I have come to the conclusion that these powers can be given, and therefore, these amendments which I have suggested here are within the provisions of the Constitution. These amendments give some limited financial powers, and these powers do not in anyway create a legislature in Delhi. But these powers only give the Metropolitan Council more respect more authority, and it is hoped that by these powers the Executive Council will look to the Metropolitan Council for its support.

Mr. Chairman: Does he want respect or powers?

Shri Shiv Charan Gupta : The is not the point. The point is, what is the relation of the elected representative of the people. Because, if they do not have these powers—if they only discuss the matter there and then come out—then, certain difficulties will arise, and the House will not command that much prestige as a House elected on the basis of adult franchise should command. Therefore, our anxiety has been that these financial powers should be given. I again emphasise that these financial powers can be given within the framework of the present Constitution. For that, no amendment is required, and the suggestions made in these amendments will amply bear out that there is, absolutely no question of making an amendment to the Constitution, and within the framework of the present Constitution these powers can be given.

There is another additional clause 22E in regard to which I have suggested that with regard to the accounts of the Union territory of Delhi, if any report is made by the Public Accounts Committee and the Estimates Committee of Parliament in respect of the accounts of the Union territory of Delhi, that report will be placed before the Metropolitan Council so that the Metropolitan

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tan Council may know from time to time the position of the accounts of the Union territory of Delhi for which a report is made by the Public Accounts Committee and the Estimates Committee. I think the Home Minister will kindly consider these amendments in this light and will accept them.

Shri Brahm Prakash: This amendment moved by my hon. friend Shri Shiv Charan Gupta is a very important one. On this very amendment lies the test of the sincerity of the Government, whether they are prepared to give this Metropolitan Council a sense of dignity, a sense of responsibility and to its members a sense of honour. I have been told, and we have been told, many times by the Home Minister that they are not prepared to give an Assembly, but they would not stand against giving any financial power or budgetary power to this body. On that very condition, as an experimental measure, as giving an opportunity to the Government that they are really serious and they want to do something for the people of Delhi, we agreed for the time being to drop the demand for an Assembly and work this new experiment. We made it clear that if a new administration is given the appropriate authority, we would certainly like to work it sincerely. We gave that undertaking to the late Prime Minister and we stand by it even today. We discussed this question of giving financial and certain other powers and we were told that they could not be given. Mr. Setalvad gave evidence before the committee and said that financial powers could not be given. No other evidence was taken on this. After that, we discussed the matter with constitutional experts and we also tried to analyse the evidence of Mr. Setalvad. No doubt he is an eminent jurist and we honour and respect him. But we have seen that on this particular question he has given at different times contrary opinions in the Home Ministry. Let the Home Minister check those files.

Shri Hari Vishnu Kamath: I would request my hon. friend to tell the House what it was in the national interest.

Shri Brahm Prakash : I have my own way of getting that information. In my opinion, the opinion given before the Select Committee by Mr. Setalvad is not the final opinion. This matter should be further examined by the jurists if the Government is sincere that they want to give financial powers to the Metropolitan Council. If the jurists say that such financial powers cannot be given, they can very easily amend the Constitution in July, when we are going to meet for another constitutional amendment. At that time they can bring forward another amendment to this clause.

I, therefore, suggest that either the amendments moved by Shri S. C. Gupta should be accepted now or if they have any doubt about it, they may postpone the discussion now and have consultations. I urge upon the Government that this is the golden and last opportunity for the Government to really satisfy the people of Delhi. No doubt I accept I am frustrated, because the 30 lakhs of the people of Delhi are frustrated. They do not know where to go and what to do. They are knocking their heads at every bureaucrat and they are unable to satisfy themselves. The people of Delhi are frustrated. The Government should not allow the frustration to continue, because the consequences will not be very good, in this capital city of India. Just as the Pandavas demanded five villages, we are making this minimum demand and request, so that we may work honourably for the people of Delhi.

Shri Hari Vishnu Kamath: This is an important amendment moved by Shri Gupta. I am glad this point has been raised again in the House by him and so ably supported by Mr. Brahm Prakash. The committee had this proposal also before it, but because Shri Setalvad, the former

Attorney-General, gave his considered opinion that this would not be possible unless the Constitution was amended, the committee decided in favour of the status quo proposed by the Government. We would have been happy and we would be happy even today if financial powers are conferred on the Metropolitan Council. But as Mr. Setalvad said it was not possible, the committee decided otherwise. Today we have heard Mr. Brahm Prakash reiterating what Shri Gupta said the other day, namely, Shri Setalvad has given a contrary opinion in the Home Ministry's files or at some other place. This is a serious matter; it should not left at a loose end like this. Mr. Hathi, or if it is not possible for him, Mr. Nanda, should tell us what the matter is. They should not be beating about the bush; they should not hide it under a bushel. Mr. Setalvad is a man whose integrity is accepted all over the country. If he goes about in this manner, it is a very serious matter for the Government to think about and also for the Parliament to consider. Shri Brahm Prakash has warned the Government against serious consequences, if this amendment is not accepted. I do hope he is girding up his loins—he and his colleagues—and they would give the first inkling of that, the preparation of serious consequences that are in store for the Government, by Shri Gupta refusing to withdraw his amendment. That should be the first test.

श्री बड़े : यह प्रमेडमेंट है जिस को सेलेक्ट कमेटी में रखा गया था। मैं ने भी इसी प्रकार से एक प्रमेडमेंट सेलेक्ट कमेटी में रखा था, लेकिन गवर्नमेंट ने केवल यह बतलाया कि श्री सीतलवाद कहते हैं कि प्रजेन्ट कांस्टीट्यूशन के प्राटिकल्प में ठीक नहीं बैठता है।

Dr. M. S. Aney: Was Mr. Setalvad examined?

Shri Hari Vishnu Kmath: Yes.

श्री बड़े : शासन को जब भी कोई काम करना होता है तब अपने मन के मुताबिक कांस्टीट्यूशन को भी प्रमेड कर लेता है और कांस्टीट्यूशन के खिलाफ भी काम कर लेता है। लेकिन उनको देखना चाहिये कि ठीक बात क्या है और उस के हिसाब से करना चाहिये। हम देख रहे हैं कि छः महीनों से श्री खन्ना के चेहरे पर रीनक घा गई है और श्री ब्रह्म प्रकाश के मुंह पर मन्ट्रियत छा गई है —

Mr. Chairman: Let us confine ourselves to the merits of the amendment and not refer to all those other things.

श्री बड़े : मैं ऐसा नहीं कर रहा हूँ। श्री ब्रह्म प्रकाश ने अभी बतलाया कि दिल्ली के पूरे समाज में इस विधेयक के बारे में तीव्र विरोध है। यही बात मैं कहना चाहता हूँ बाकिर यह तीव्र विरोध क्यों है? यह तभी दूर हो सकता है जब आप पूरी फाइनलस पावर दें। मेरा प्रमेडमेंट इसी बारे में है। यह तीव्र विरोध इन कारणों से है कि श्री फाइनलस पावर्स आप दे रहे हैं वह सिर्फ एक ग्लाइटबास या आईवाश की तरह पर है। इस में क्लॉज 22एके सब-क्लाज 3 में रखा गया है कि :

"... (3) The following expenditure shall be charged to the fund of the Union Territory of Delhi."

यह सेक्शन बड़े महत्व का है। हो सकता है कि यह पूरे का पूरा कांस्टीट्यूशन में न आता हो लेकिन इस में से दो या तीन चीजें कांस्टीट्यूशन में आ जाती हैं। अगर मुझे समय मिले तो मैं एक एक कर के उन को बतला सकता हूँ। मैं चाहता हूँ कि यह जो संशोधन है उस को आप स्वीकार कर लें नहीं तो इन के बारे में तीव्र विरोध होगा। मैं जन संघ की तरफ से भी कह सकता हूँ कि दिल्ली में इस बारे में काफ़ी विरोध है।

[श्री बड़े]

इस विधेयक में जो मेमोरैन्डम दिया गया है उस में भी कहा गया है कि फाइनैन्शल पावर्स हैं : उन को दिये बगैर यह मेट्रोपोलिटन कोसिल सर्वसम्मति का काम नहीं कर सकेगी।

Shrimati Subhadra Joshi (Balram-pur): I would like to know how much time was allotted for this Bill, when and by how much the time was extended by the House and how much more time is left.

श्री मधु लिमये : मुझे माननीय सदस्य के इस कहने पर ऐतराज है। क्या यहां पर कोई समय बिगाड़ने का काम हो रहा है।

Mr. Chairman: Please leave it to the Chair. The time allotted was 3 hours and the time taken yesterday was 2 hours 10 minutes. The balance was 50 minutes. In view of the fact that the clause-by-clause consideration is going on, it can continue. Today is the final day. Let us be brief and complete the Bill as early as possible.

Shri Shree Narayan Das: Sir, there is another Bill for consideration put down on the Order Paper. Whatever time was allotted for this Bill has already been consumed and even the time by which it was extended is also over. My point is only this. The Business Advisory Committee recommended a certain time for this Bill and that was accepted by this House. I think business in the House should be carried on in such a way that the business is finished within the time recommended by the Committee and accepted by the House. Without the permission of the House the time allotted for any item cannot be extended.

Mr. Chairman: I agree with the hon. Member. I would request hon. Members to be brief in their remarks. There is another Bill for consideration on the Order Paper. We have to take up that also.

श्री नवल प्रभाकर : सभापति महोदय, श्री सिवचरण गुप्त ने जो संशोधन रखा है

मैं उसका समर्थन करता हूं और मैं माननीय मंत्री जी से प्रार्थना करूंगा कि वह इस को स्वीकार कर लें। आप जानते हैं कि जब तक इस विधेयक में वित्तीय प्राविधान नहीं होगा तब तक इसमें प्राण नहीं धा सकेगा। तो मैं इतना ही कहना चाहता हूं कि वित्तीय अधिकार जब तक इसको प्राप्त नहीं होंगे तब तक यह ठीक से काम नहीं कर सकेगा और अगर यह न माना गया तो यह समझ लीजिए कि जो इसके अन्दर सदस्य होंगे और उनके ऊपर जो धन खर्च होगा वह खर्च दिल्ली की जनता के ऊपर एक बोझ रहेगा। मैं इतना ही कहना चाहता हूं कि यह इनका जो संशोधन है इसको जरूर स्वीकार किया जाये।

श्री प्रकाशबीर झाँस्त्री : सभापति महोदय, मेरा अपना विचार इस प्रकारका है कि वित्तीय अधिकार महानगरपरिषद् को न देकर भारत सरकार उसी प्रकार का कार्य कर रही है जैसे कि बैंक में धन की रक्षा करने वाले पहरेदार को अधिकार दिये जाते हैं कि वह यह समझता है कि इस बैंक के अन्दर करोड़ों रुपया रखा हुआ है, वह मेरा अपना है लेकिन उसके वितरण या प्रयोग का अधिकार उस पहरेदार को नहीं होता। इसी प्रकार की स्थिति भारत सरकार महानगर परिषद् की बनाने जा रही है। गांवों की भाषा में इसको कहते हैं "घर सारा तुम्हारा लेकिन कोठी कुंठले को हाथ नहीं लगाना।" इस प्रकार की चीज करके और महानगर परिषद् को वित्तीय अधिकार न देकर उसको एक खिलौना बनाना किस प्रकार की विटम्बना है। मैं नहीं समझता कि किस प्रकार इससे महानगर परिषद् दिल्ली की जनता में अपने प्रति विश्वास या श्रद्धा पैदा कर सकेगी। इस के लिए एक बीच का सुझाव यह है कि अगर लोक सभा या संसद दिल्ली के लिए कोई बजट स्वीकार करे तो उसमें इतना करे कि बजट में राशि संसद स्वीकार कर दे लेकिन वह किस किस मद में व्यय होगी यह अधिकार महानगर परिषद् को दे दिया जाना चाहिए।

इस प्रकार बीच का रास्ता निकाला जाय तो इससे भी महानगर परिषद् के अधिकारों की कुछ पूर्ति हो जायगी।

Shri Hathi: So far as Shri Brahm Prakash and others are concerned, it is true that they were keen to have financial powers for the Metropolitan Council. We on our part were equally keen if it was possible. He has made a statement that Shri Setalvad has somewhere given some opinion. Now as the House knows and all the members of the Committee know, Shri Setalvad was before the Committee. Shri Brahm Prakash also asked him various questions. I wonder why this particular question was also not asked to him, whether he had earlier given any opinion in this regard as to whether it is feasible or not feasible. He should have asked him there rather than create an impression that Shri Setalvad has given another opinion.

Shri Hari Vishnu Kamath: Has he given that opinion afterwards?

Shri Hathi: Not afterwards before he appeared before the Committee.

Shri Shiv Charan Gupta: I was not aware of it, otherwise I would have asked him.

Shri Hathi: Shri Brahm Prakash was present there. He put several questions. If he had known that Shri Setalvad had given some opinion earlier, he should have asked him rather than create this confusion now.

Shri Brahm Prakash: At that time I had no knowledge.

Shri Hathi: The opinion was given prior to his appearing before the Committee.

Shri Brahm Prakash: My submission is that on similar matters he gave his opinion.

Shri Hathi: Whether the opinion was given before or after he appeared as a witness?

Shri Brahm Prakash: Before that

Shri Hathi: Then, if he had given that before, the hon. Member should have asked him. Creating this confusion now, I am sorry to say, is putting the whole thing in a muddle. Therefore, I am not hiding anything and the hon. Member knew about it.

Secondly, as Shri Shastri has said, financial powers include power of taxation also. No money from the Consolidated Fund can be withdrawn except if the Parliament approves it. It would be a matter for the Parliament to consider whether you can give away Rs. 40 crores or Rs. 30 crores in a lump sum without knowing how they are going to spend it. That is also not possible under the Constitution. I do not think Parliament itself can justifiably do so. What he wants is, as he has said, to give a lump sum to the Delhi Administration to spend as they like. When every paise that is spent is scrutinised here by the Estimates Committee and the Public Accounts Committee, can this Parliament divest itself of the power of drawing funds from the Consolidated Fund of India without any check or even giving a statement. Here the House wants to see that each item is given after knowing how it is going to be spent. Therefore, although we were sincere to do it, under the Constitution it is not possible.

Shri Brahm Prakash: What about amending the Constitution?

Shri Hathi: That is a different matter.

Shri Shiv Charan Gupta: May I know whether according to the present Constitution it is possible to give the powers as proposed in these amendments or not?

Shri Hathi: It is not possible.

Mr. Chairman: The question is:

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after line 9, insert—

"22A. (1) The Administration of Delhi shall in respect of each

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financial year cause to be laid before the Metropolitan Council, with the previous approval of the President, a statement of the estimated receipts and expenditure of Delhi for that year.

(2) The estimates of expenditure shall show separately:—

(a) the sums required to meet expenditure described by this Act as expenditure charged upon the Fund of the Union territory of Delhi; and

(b) the sums required to meet other expenditure proposed to be met from the Fund of the Union territory of Delhi and shall distinguish expenditure on revenue account from other expenditure.

(3) The following expenditure shall be charged on the Fund of the Union territory of Delhi:—

(a) the emoluments and allowances of the Administrator and other expenditure relating to his office as determined by the President by general or special order;

(b) the charges payable in respect of loans advanced to Delhi from the Consolidated Fund of India including interest, sinking fund charges and redemption charges and other expenditure connected therewith;

(c) the salaries and allowances of the Chairman and the Deputy Chairman of the Metropolitan Council;

(d) any sums required to satisfy any judgment, decree or award of any court or arbitral tribunal;

(e) expenditure incurred by the Administrator in the discharge of his special responsibilities; and

(f) any other expenditure declared by the Constitution or by law made by Parliament to be so charged.

22B. (1) So much of the estimate as relates to expenditure charged upon the Fund of the Union territory of Delhi shall not be submitted to the vote of the Metropolitan Council but nothing in this sub-section shall be construed as preventing the discussion in the Metropolitan Council of any of those estimates.

(2) So much of the said estimates as relates to other expenditure shall be submitted for grant to the Metropolitan Council and the Council shall have power to assent, or to refuse assent or to assent subject to a reduction of the amount specified therein.

22C. As from such date as the Central Government may by notification in the official Gazette, appoint in this behalf Government of India shall form one fund to be entitled "the Fund of the Union territory of Delhi" and such sum may be transferred to it from the Consolidated Fund of India as the Parliament may appropriate from time to time.

22B. The custody of the Fund of Union territory of Delhi, the payment of moneys into such Fund, the withdrawal of moneys therefrom and all other matters connected with or ancillary to those matters shall be regulated by Rules made by the Administrator with the approval of the President.

22E. The reports of the Public Accounts Committee and the Estimates Committee of the Parliament of India relating to the accounts and affairs of various Departments, Authorities and Boards functioning in the Union territory of Delhi for any period subsequent to the date after establishment of Metropolitan Council shall be submitted to the Chairman who shall cause them to be laid before the Metropolitan Council.' (6)

The motion was negatived.

Shri Hari Vishnu Kamath: Sir, I beg to move:

Page 10,—

after line 9, insert

"22A. There shall be, in the Union Council of Ministers, a Minister designated as Minister for Delhi Affairs, and no Bill or resolution or other measures affecting Delhi shall be introduced in Parliament without the prior approval of an Advisory Committee which will include all members representing Delhi in both Houses of Parliament." (57).

Anticipating, Sir, the cussedness of the Government with regard to the earlier motion moved by my hon. friend, cussedness partly because of the opinion given by the former Attorney-General, I have sought to provide an alternative which, I hope in the long run will prove satisfactory in case it is worked in letter and spirit.

Now, Sir, the Metropolitan Council is denuded, bereft of all budgetary and financial powers. What next? The Executive Council is practically irremovable and, therefore, it tends to become un-responsive, irresponsible. Therefore, the only recourse here is to the Parliament itself, and I recommend strongly, recommend with all the emphasis at my command, that there should be in the Union Council

of Ministers itself a separate Minister, —giving the importance that is Delhi's —due for Delhi Affairs, because I remember here are Ministers for Tribal Affairs, there was a Minister, in the older days, for Kashmir Affairs. So, I think Delhi being important, as it is the metropolis, an international city of the world, Parliament will do well to recognise its importance by having a separate Minister designated as Minister for Delhi Affairs in the Cabinet or Council of Ministers. There should be a convention established and if the convention is not acceptable, I want to provide it in the law because conventions and traditions do not grow in this country, unfortunately, you yourself know, Sir, from your own experience that traditions do not grow in this country; it is not congenial so you have to legislate for these matters also. Therefore I seek to provide that no measure, Bill, Resolution or any other matter, shall be introduced by Government in Parliament unless that has secured the previous approval of an advisory committee, not the present apology for a committee, the anaemic committee called the Consultative Committee—I am thinking of the old advisory committees...

Mr. Chairman: If there is life in it anaemia would disappear.

Shri Hari Vishnu Kamath: The Consultative Committees, unless their designation is also changed would continue to be anaemic. Therefore I want to have its designation as an advisory committee—Consultative Committee has no meaning—and the advisory committee should comprise of all Members from Delhi; it should not be restricted to Members of Parliament representing Delhi, but it must include all Members representing Delhi in both Houses of Parliament and other Members also. I say this because, I am sorry to say, a charge was brought in the Joint Committee by my hon. friends representing Delhi that very few Members of Parliament take interest in Delhi affairs. I contradicted that pointing

[Shri Hari Vishnu Kamath]

out that many matters representing Delhi up to the last jaundice epidemic in 1955, when you were also a Member of the House, were brought up by me—I moved a motion of no-confidence in the Minister at that time—beginning with the pre-fab housing factory to the jaundice epidemic. Thereafter I was out of Parliament for five years.

Shri Mehr Chand Khanna: That is a different story now.

Shri Hari Vishnu Kamath: Yes, I know. Khanna Sahib was not a minister at that time, unfortunately for him. He thinks it is a different story because he is a minister now. It is a different story.

Therefore I recommend strongly for the acceptance of the House this amendment which seeks to provide that there will be a separate minister for Delhi affairs and that no measure affecting Delhi would be introduced in Parliament without the prior approval of an advisory committee including all Members of Parliament representing both Houses.

श्री बड़े : सभापति महोदय, यह जो प्रस्ताव रखा है उस प्रस्ताव में जैसे मेट्रोपोलिटन कांसिल कंसलटेटिव बोडी हो उसी प्रकार से कंसलटेटिव बोडी नहीं है लेकिन पार्लियामेंट का जो एक अधिकार है कि दिल्ली की 30 लाख जनता का रिप्रेजेंटेशन यहां होना चाहिए तो वह तो 7 लोग हो जायेंगे लेकिन साथ साथ यहां के वास्ते मिनिस्टर स्पेशल होना चाहिए क्योंकि और जो तमाम मिनिस्टर्स होते हैं उनके पास बूक विभिन्न कार्य रहते हैं, इस वास्ते दिल्ली की पटिकुलर प्रब्लम उन के सामने आती नहीं है। अब जैसा कि स्वाभाविक है कि, अगर मध्य-प्रदेश का यहां सेंटर में मिनिस्टर होगा तो वह मध्यप्रदेश की तरफ ज्यादा ध्यान देगा, राजस्थान का यदि सेंटर में कोई मिनिस्टर होगा तो वह राजस्थान की तरफ ज्यादा ध्यान देगा उसी प्रकार से मैं समझता हूँ कि अगर दिल्ली के वास्ते सेंटर में एक स्पेशल

मिनिस्टर होगा तो वह दिल्ली की समस्याओं की तरफ ज्यादा ध्यान दे सकेगा। इस वास्ते दिल्ली के वास्ते एक स्पेशल मिनिस्टर होना चाहिए।

साथ ही साथ एक एडवाइजरी बोडी होनी चाहिए। केंरल में प्रेसीडेंट का मलाह देने के लिए एडवाइजरी बोडी है इसलिए यहां भी एडवाइजरी बोडी होनी चाहिए। जो संशोधन रखा है उस का मैं समर्थन करता हूँ और मैं चाहता हूँ कि मंत्री जी इस संशोधन को मंजूर करें।

Dr. M. S. Aney: We are making a law for the Union territory of Delhi and how that Bill can contain any clause making a provision for a minister at the Centre. So, they may bear the suggestion in mind and take proper steps to get a minister there; but nothing can be done so far as this is concerned.

Shri Hari Vishnu Kamath: Let them accept it and bring forward a Bill; or let them redraft it.

Shri Hathl: I appreciate the anxiety of the hon. Member. Shri Kamath, that Delhi should be given very close and careful attention. Therefore, it is suggested that there should be a separate Minister. I think, this is an internal arrangement for the Prime Minister to do. It cannot be a matter to be included in the legislation. But it will be considered. It may be a Minister, a Minister of State or a Deputy Minister to be in-charge of Delhi. That is a matter of internal arrangement.

So far as the other thing is concerned, all proposals will come before the Metropolitan Council. It is a much more wider body of elected members and their recommendation also will be considered. But to say that no Bill or Resolution can come before the Parliament without the approval of that body, I do not think the legislation can include that. Supposing a private

Member wants to bring a Bill or a Resolution relating to Delhi, can we stop it?

Shri Hari Vishnu Kamath: What about Government Bill or Resolution?

Shri Hathi: As it is, while the spirit behind it, good, I do not think the legislation can include that.

Mr. Chairman: The question is:

"Page 10,—

after line 9, insert—

"22A. There shall be, in the Union Council of Ministers, a Minister designated as Minister for Delhi Affairs, and no bill or resolution or other measure affecting Delhi shall be introduced in Parliament without the prior approval of an Advisory Committee which will include all members representing Delhi in both Houses of Parliament." (57)

The Lok Sabha divided;

Div. No. 26]

AYES

[15.41 hrs.

Bade, Shri
Badrudduja, Shri
Berwa, Shri Onkar Lal
Bhattacharya, Shri Diner
Chakravartty, Shrimati Renu
Chaudhuri, Shri Tridib Kumar
Dwivedy, Shri Surendranath
Gulshan, Shri
Imbichibava, Shri

Kamath, Shri Hari Vishnu
Kandappan, Shri S.
Kriahnapal Singh, Shri
Kunhan, Shri P.
Limaye, Shri Madhu
Mahato, Shri Bhajabari
Mate, Shri
Nair, Shri Vasudevan

Prabhakar, Shri Naval
Rajyalaxmi, Shrimati
Rajmabdran, Shri
Reddy, Shri Yallamanda
Shashank Manjari, Shrimati
Shastri, Shri Prakash Vir
Sivasankaran, Shri
Venkalah, Shri Kolla

NOES

Alva, Shri A.S.
Aney, Dr. M.S.
Bal Krishna Singh, Shri
Balakrishnan, Shri
Barman, Shri P.C.
Bhatkar, Shri
Bhattacharyya, Shri C. K.
Bhattacharwar Prasad, Shri
Belj Basi Lal, Shri
Chanda, Shrimati Jyotana
Chandrabhan Singh, Shri
Chaudhry, Shri Chandramani Lal
Chaudhuri, Shri D. S.
Daljit Singh, Shri
Das, Shri B. K.
Das, Shri N. T.
Deo Bhanj, Shri P.C.
Deshmukh, Shrimati Vunlabai
Gandhi, Shri V. B.
Gange Devi, Shrimati
Gupta, Shri Shiv Charan
Hazarika, Shri J. N.
Heda, Shri
Jadhav, Shri M.L.
Jadhav, Shri Tuladase
Jamunadevi, Shrimati
Jedha, Shri
Jena, Shri
Jha, Shri Yogendra
Joshi, Shrimati Subhadra
Jyotsnhi, Shri J. P.
Kamble, Shri
Kedaria, Shri C.M.
Kunder Lal, Shri
Kann Vcer, Shri

Kotoki, Shri Lladhar
Lalit Sen, Shri
Laskar, Shri N.R.
Laxmi Bai, Shrimati
Malaichami, Shri
Mallick, Shri Rama Chandra
Mandal, Dr. P.
Mandal, Shri Yamuna Prasad
Masuziya Din, Shri
Matcharaju, Shri
Mehrotra, Shri Braj Bihari
Mehta, Shri Jawant
Minimata, Shrimati
Mishra, Shri Bibhuti
Misra, Shri Mahesh Dutta
Mohanty, Shri Gokulananda
More, Shri K. L.
Muthiah, Shri
Nalk, Shri D. J.
Naik, Shri Maheswar
Nanda, Shri
Neekar, Shri P.S.
Niranjan Lal, Shri
Pande, Shri Vishwa Nath
Parasahr, Shri
Patel, Shri Chhotubhai
Patel, Shri Man Singh P.
Patel, Shri N. N.
Patil, Shri T.A.
Prabhakar, Shri Naval
Pratap Singh, Shri
Rao, Shri C.R.
Rajdeo Singh, Shri
Raju, Shri D.B.
Ram, Shri T.

Ram Swarup, Shri
Rameshwar Prasad Singh, Shri
Rane, Shri
Rao, Shri Kamepathi
Roy, Shri Babwanath
Sadhu Ram, Shri
Sen, Shri P. G.
Sham Nath, Shri
Sharma, Shri D. C.
Sharma, Shri K. C.
Shashi Ranjan, Shri
Shastri, Shri Ramanand
Shro Narain, Shri
Shukla, Shri Vidya Charan
Siddananjappa, Shri
Siddeshwar Prasad, Shri
Singh, Shri D. N.
Sinha, Shrimati Ramdulari
Snatak, Shri Nardeo
Subbaraman, Shri
Suman Prasad, Shri
Thimmaiah, Shri
Tiwar, Shri D. N.
Tiwar, Shri K. N.
Tiwar, Shri R. S.
Tula Ram, Shri
Tyagi, Shri
Ulkey, Shri
Ulake, Shri Ramechandra
Upadhyaya, Shri Shiva Dut
Vasbha, Shri M. B.
Verma, Shri Balgovind
Verma, Shri Kalki
Virbhadra Singh, Shri
Wadhwa, Shri
Yadava, Shri B. P.

Mr. Speaker: The result of the division is: Ayes 25; Noes 105.

The motion was negatived.

The Deputy Minister in the Ministry of Home Affairs (Shri Vidya Charan Shukla): I have to make a motion. The original time allotted for this Bill was up to 12.30 p.m. today. Now, the discussion has been going on. I beg to move:

"That the time for the consideration of this Bill be extended up to 4 p.m. today".

I am suggesting that the time may be extended up to 4 p.m. for the consideration and passing of this Bill.

Shrimati Benu Chakravartty: No. I oppose this.

Shri Hari Vishnu Kamath: I move that the time be extended up to 5 p.m. today.

Shri Bade: I also move the same amendment.

Shrimati Benu Chakravartty: I submit to you that we have come to this position in this House that all Bills are rushed through. In the Business Advisory Committee we were never told that we were going to have an extra sitting, and, therefore, we were willy-nilly forced to reduce the number of hours allotted for this. Normally, I remember, in the first Lok Sabha, we were never hustled like this. Now, we find, however, that everything is rushed through. At that stage we had agreed to a lesser time. But today when we have got five extra hours, why should we give it up?

श्री जयु लियये (मंगेर): सभापति महोदय, मैं भर्ज करना चाहता हूँ कि इस तरह इस विधेयक के लिए समय बांधना सर्वथा अनुचित है। आप ने कहा कि सदस्य संक्षेप में बोर्लें और कोई गैर-सागू, इरैलिबैट बातें न कहें और हमने उस को माना है। जब हम ने इस बात को स्वीकार किया है,

तो फिर इस तरह समय पर रोक लगाना मुनासिब नहीं है, जब कि इस विधेयक की एक एक धारा का विवेचन हो रहा है, एक एक धारा के विवरण पर बहस हो रही है।

श्री सुरेन्द्रनाथ द्विवेदी (केन्द्रपाड़ा): यह बिल कैपिटल के बारे में है। इस को इस तरह जल्दी में पास नहीं किया जाना चाहिये।

श्री बड़े: सभापति महोदय, जैसा कि आप जानते हैं, लोक सभा का सत्र कल समाप्त होने वाला था, लेकिन इस बिल के लिए उस को एक दिन के लिए बढ़ा दिया गया। आज का दिन इस बिल के लिए दिया गया है। हम लोग आप को आज्ञा के अनुसार एक एक, घाघ घाघ मिनट में अपनी बात खत्म कर रहे हैं। लेकिन आप जानते हैं कि यह बिल बड़ा कम्प्लेक्स है, इसलिए इस की धाराओं की डीटेल्स में जाना बहुत आवश्यक है। यह बहुत महत्वपूर्ण बिल है, इसलिए सरकार को इस के डिस्कशन के लिए पूरा समय देना चाहिए। मिनिस्टर साहब कहते हैं कि इस बिल पर डिस्कशन चार बजे समाप्त कर दिया जाये। मैं निवेदन करना चाहता हूँ कि ऐसा करने से इस ला में कटियां रह जायेंगी। इस लिए यह आवश्यक है कि इस बिल के डिस्कशन के लिए समय पांच बजे तक बढ़ा दिया जाये।

Mr. Chairman: What is Government's view on Shri Kamath's amendment?

Shri Vidya Charan Shukla: We do not accept it. We want to limit it till 4 p.m. only.

Shri Vasudevan Nair (Ambalapuzha): Let them give some reasons for this.

Mr. Chairman: There are two motions before the House, one by Shri Vidya Charan Shukla and the other by Shri Kamath. Now, I shall have to put them to vote....

Shri Surendranath Dwivedy: He should give us some reasons. Why he

wants that the discussion should be completed by 4 p.m. He must give some reasons for it so that we can vote accordingly.

Mr. Chairman: What are the reasons?

Shri Vidya Charan Shukla: The reason is that unless the consideration and passing of this Bill is completed here by 4 p.m., the message cannot be sent to the Rajya Sabha.

Shri Hari Vishnu Kamath: I see.

Shri Vidya Charan Shukla: Unless we complete all the stages by 4 P.M., and the message is sent to the other House, the other House cannot consider the Bill tomorrow. Also we have already taken more than the time allotted by the Business Advisory Committee.

That is why we want that all the stages of the Bill should be completed by 4 O'clock (*Interruptions*).

Mr. Chairman: Order, order. In order to have a calm and patient hearing, let us discuss these questions in a cool atmosphere. There is no occasion to get agitated. He has given the reasons.

श्री मधु लिमये : क्या इस विधेयक की एक एक धारा पर विचार नहीं होगा ? इस तरह तो ये लोग लोक सभा को खरम कर रहे हैं। किस नियम के अन्दर यह प्रस्ताव धाया है ?

Shri Hari Vishnu Kamath: This House cannot be hustled for the sake of the Rajya Sabha. This House cannot be hustled because the Rajya Sabha is not sitting.

Shri Surendranath Dwivedy: You should be sure about the rule. Under what rule is this motion being brought forward?

Shri Hari Vishnu Kamath: There is no rule mentioned here concerning the Rajya Sabha. How can the Rajya

Sabha come into the picture? We are not a tool here of the Rajya Sabha. We cannot oblige the Rajya Sabha.

श्री मधु लिमये : श्री कामत की बात बिल्कुल ठीक है। सभापति महोदय, मैं यह जानना चाहता हूँ कि उपमंत्री महोदय किस नियम के अधीन यह सुझाव रख रहे हैं। वह बीच में कैसे टपक पड़े ?

Mr. Chairman: Order, order. The position is that the Business Advisory Committee had allotted three hours for this. Yesterday we took 2 hours and 10 minutes leaving only 50 minutes. Today we have exceeded that and gone much beyond.

श्री प्रकाशवीर शास्त्री। सरकार इतना महत्वपूर्ण बिल पास करने जा रही और इतना बड़ा काम करने जा रही है। इसमें इतनी जल्दबाजी से काम नहीं लिया जाना चाहिए।

श्री हुकम चन्द कछवाय (देवास)।
इस में जल्दबाजी न की जाये।

श्री मधु लिमये : सभापति महोदय, आप उपमंत्री से पूछिए कि वह किस नियम के अधीन अपना प्रस्ताव रख रहे हैं। आप खुद नियम न पढ़िये। आप उन से पूछिये।

Shri Vidya Charan Shukla: Do not worry. I know that.

Mr. Chairman: Please refer to rule 292.

"No variation in the Allocation of Time Order shall be made except on a motion made, with the consent of the Speaker, and accepted by the House".

श्री मधु लिमये : उन्होंने तो यह नहीं कहा है न।

Shri Hari Vishnu Kamath: On a point of order. You have read the

[Shri Hari Vishnu Kamath]

rule rightly. Please read the rule carefully, word by word.

"No variation in the Allocation of Time Order shall be made except on a motion made, with the consent of the Speaker, and accepted by the House".

Now the time fixed was 3 hours. Variation has already been made, that is to say, this House has already made a variation. We have sat.... (Interruptions). Keep quiet. I am having my say. Keep quiet please. (Interruptions).

Mr. Chairman: Order, order. There is no cause to get agitated.

Shri Hari Vishnu Kamath: The variation envisaged in rule 292 has already been made without the consent of the Speaker. So the rule has no force now. The rule has broken down.

Shri D. N. Tiwary (Gopalganj): No, no.

Shri Hari Vishnu Kamath: You sit down. I am on my legs now. I am not going to yield (Interruptions). I am on my legs. You can have your say later.

Mr. Chairman: The hon. Member will not get excited.

Shri Hari Vishnu Kamath: Why should he butt in here when I am speaking?

Shri D. N. Tiwary: He is not the only Member of the House to speak. I have also got a right to speak. (Interruptions).

Shri Hari Vishnu Kamath: Sit down.

Shri D. N. Tiwary: No.

Mr. Chairman: Order, order. There is no occasion to get excited.

Shri K. K. Tiwary (Bagha): How many times is he creating trouble here?

Mr. Chairman: Let us talk one at a time.

Shri D. N. Tiwary: We should also be allowed to speak on this matter.

Shri Hari Vishnu Kamath: After I finish you can have your say. Rule 292 is very clear, categorical, specific and explicit. There is no ambiguity about it.

"No variation in the Allocation of Time Order shall be made except on a motion made, with the consent of the Speaker".

Now what has happened? The time allotted was 3 hours. So the three hour limit expired sometime today, I think, at 2 O'clock or 1.30 P.M. Beyond 1.30 the House has sat without anybody making any motion here for variation of time. That means that in spite of the rule being there, the House has sat without any motion being made. The rule has fallen through and the rule has no application now.

श्री डा० ना० तिवारी : अगर गलती हो जाय, तो वह होती रहे यह ठीक नहीं है। जब भी मालूम हो जाय कि गलती हो रही है, तो उसको रोकना पड़ता है। अगर एक बफा गलती हो गई है, उसको रोकें नहीं और टाइम बढ़ा दें... (Interruption).

Shut up please. Let me have my say.

Shri Bado: What is this shut up?

Mr. Chairman: Order, order. No exchanges. (Interruptions).

Shri D. N. Tiwary: I am not yielding.

अभी मालूम हुआ कि इस का टाइम दिन के दस बजे तक था, उस टाइम को हम ने एक्सीड किया, किसी को मालूम नहीं हुई, अब जब हम को गलती मालूम हो गई

तो हम उसको रोकना चाहते हैं। कामध साहब के यह कहने के क्या मायने हैं, कि एक दफा गलती हो गई तो जन्म भर गलती होती जाय, बराबर गलती करते रहें। स्पीकर को एलाउड है कि वह एक घण्टा बढ़ा सकता है, वह एक घण्टे में

श्री मधु लिमये : मेरा व्यवस्था का प्रश्न है।

Mr. Chairman: Let us have the views of the Home Minister. He is here.

श्री मधु लिमये : मेरा प्वायंट ऑफ ऑर्डर है।

Mr. Chairman: Let us hear the point of order. It has precedence.

Shri Vidya Charan Shukla: He was raising a point of order. How can there be a second point of order.

Mr. Chairman: There was no point of order.

श्री मधु लिमये : रूल 292 में कामध साहब ने बताया है कि चूंकि सदन के द्वारा निर्धारित समय की पाबन्दी नहीं हुई है, जो समय निर्धारित हुआ था, उस पर धमल नहीं हुआ है इसका मतलब है कि उस में तबकीली हो चुकी है। इस लिये . . .

Mr. Chairman: You are referring to what rule?

श्री मधु लिमये : रूल 292, जिसका उल्लेख कामध साहब ने किया है।

Mr. Chairman: Please be brief.

श्री मधु लिमये : मैं मुकत्तर ही बोल रहा हूँ। इस का मतलब होता है कि सदन की सम्मति इस के लिये है और इस लिये यह बहुत जल्दी चाहिये।

घर घाप नियम देखिये, 290 (1) तथा 291, इन में लिखा है कि—

"290A. The allocation of time in respect of Bills and other business as approved by the House shall take effect as if it were an order of the House and shall be notified in the Bulletin."

"291. At the appointed hour, in accordance with the Allocation of Time Order for the completion of a particular stage of the Bill or other business, the Speaker shall forthwith put every question necessary to dispose of the outstanding matters in connection with that stage of the Bill or other business."

Shri Shiv Narain (Bansi): It is in support of the Government.

श्री मधु लिमये : मैं धर्ज कर रहा था कि डेढ़ या दो बजे जो निर्धारित समय था, उस समय घापको पूरा अधिकार था . . .

श्री शिव नारायण : धमि क्या बिगड़ गया है।

Mr. Chairman: Order, order.

Shri Shiv Narain: You should control those people.

Mr. Chairman: Hon. Members should behave with more dignity and decorum. I request all the Members to be clam and quiet and let the proceedings go on in a very cool atmosphere.

श्री मधु लिमये : उस समय घापको अधिकार था स्वेशन मतदान के लिये रखने का, और सरकार भी इस प्रश्न को सदन के सामने रखती लेकिन उस अधिकार का घापने इस्तेमाल नहीं किया। यह हम लोगों का कमूर नहीं है। चूंकि इन तीनों नियमों का यहां पर उल्लंघन हो चुका है, इस लिये मेरा निवेदन है कि इस बहस को जारी रखा जाय।

[श्री मधु लिमये]

घापका जो यह सुझाव है कि इस पर संक्षेप में बोलें, कोई इरिलिक्ट बात न करें, उसको हमने कुबूल किया है। ऐसी हालत में मेहरबानी कर के बहस के ऊपर रोक न लगायें।

Mr. Chairman: Let us hear the hon. Minister.

श्री मधु लिमये : सभापति महोदय मैंने व्यवस्था का प्रश्न अलग से उपस्थित किया है, उस पर निर्णय हो जाय।

15.55 hrs.

[**MR. SPEAKER in the Chair**]

Mr. Speaker: I would request the hon. Members to realise that we have ourselves set up institutions like the Business Advisory Committee, got their recommendations and the House fixes the time. Agreeing that that time was short and that we wanted to extend it, we extended it. When it was fixed, it was only two hours, we should try to conclude it. That limit always applies. Otherwise, the ordinary practice of closure that will be applicable—we would like to avoid that.

Shri Hari Vishnu Kamath: May I submit that when the Business Advisory Committee considered this matter, we were told that the the House would adjourn on the 14th May; I was present, specially invited; I am not a Member; I distinctly remember that. The Committee was told by the Government, by the Leader of the House that the House would adjourn on the 14th May. Having that in view we fixed that time and therefore less time was fixed for this.

Mr. Speaker: Some limit must be there.

Shri Hari Vishnu Kamath: That we accept; some reasonable limit for the disposal of the amendments. If you think the amendments are irrelevant, you need not put them to vote.

Shrimati Renu Chakravartty: You know that this is a very important Bill. We have got into this habit now of agreeing in the BAC under very great strain to putting some limit of time. You will remember you were a Member who used to sit on this side and at the time when the Preventive Detention Bills and other Bills that we had in the first Parliament—all important Bills—were discussed we never allowed them to be guillotined. Now we have got into this position where we have to have another extra day. If you see our amendments, you will find that there are still one or two very important amendments that cannot be discussed.

Mr. Speaker: We have reached clause 22.

Shri Surendranath Dwivedy: You can take an hour and finish it. Let the Rajya Sabha sit one or two days more.

Mr. Speaker: If it is the wish of the House that it should conclude at 5 O'clock....

Shri Hari Vishnu Kamath: Yes, Sir.

Shri Shree Narain: No.... (Interruptions.)

Mr. Speaker: There are only two ways in which we can conduct the business. Either there ought to be the ordinary practice of closure or a time limit being placed for the whole of the business to be transacted. Now, if we are not resorting to the guillotine system, we have not done it so far, we can place a time limit; the House can do it and there ought not to be objection.

Shri Vidya Charan Shukla: Sir, I have moved a motion that is before the House. I did so under rule 292. The motion was that the debate be concluded by 4 O'clock.

Shri Surendranath Dwivedy: It is already 4 O'clock.

Shri Vidya Charan Shukla: Make it 4.15.

The Minister of Home Affairs (Shri Nanda): Sir, I have been witnessing this for some time and I was wondering what useful purpose was being served. I am very grateful to the hon. Members of the Opposition, when I put to them yesterday whether they would agree to have the session extended by a day in order to enable us to have this Bill passed, they agreed. If they had not, I would not have insisted; when they signified their assent we went ahead. The meaning was that they also agreed that the Bill should go through. Going through means it has to go through the other House also.

Shri Hari Vishnu Kamath: That is not our concern.

Shri Nanda: It may not be relevant to talk about this but it must be understood that otherwise it will become infructuous—the whole process.

Shri Surendranath Dwivedy: They are meeting tomorrow.

Shri Nanda: My request is let that be achieved. We may extend the time beyond 4 but within the time to enable us to do everything by 4.30.... (Interruptions.)

16 hrs.

Mr. Speaker: Order, order.

Shri Surendranath Dwivedy: We extended the sitting of this House till today; they are also sitting tomorrow. So, there is no problem.

Mr. Speaker: All of us must show some accommodation. If by 4.30 we try to finish this Bill—

Shri Hari Vishnu Kamath: Make it five minutes to five.

Mr. Speaker: Do not make it impossible, that this message should not be sent. The message has to be sent. The hon. Members should realise that a message should be sent. It has got to reach there.

Shri Surendranath Dwivedy: 4.45 would be all right.

Mr. Speaker: Government should try that that House sits up to that time; by 4.45 we may send the message. Let us finish it by that time. The Home Minister had to make a statement at 4 he will make it at 4.45.

The question is:

"That clause 23 stand part of the Bill".

The motion was adopted.

Clause 23 was added to the Bill.

Clause 24—(Rules of Procedure)

Shrimati Renu Chakravartty: I beg to move:

(i) Page 10, omit lines 17 to 26 (35)

(ii) Page 10, line 29, for "Administrator", substitute "Chairman of the Metropolitan Assembly". (36).

The amendments which I have moved with a view to curbing the powers of the administrators. Right through we have been holding that whatever else happens it is the elected representatives who should have, even though their powers are restricted, the upper-hand in the functioning of the Metropolitan Council. You will find that in clause 24, the entire proviso is put in with the idea that the Administrator in his discretion will make the rules. The entire set of rules will be made by the Administrator. We were able to get only a small mercy, after a great deal of haggling in the Joint Committee, that there should be some consultation with the Chairman of the Metropolitan Council. That is a small mercy which Shri Hathi conceded to us, but I say that the powers of the Administrator, the bureaucrats, have to be curbed at every step. Many of the proposals in our amendments have been made with that idea in view.

[Shrimati Renu Chakravartty]

In regard to my next amendment, there again, you will see that the proceedings and the conduct of business of the Metropolitan Council shall be regulated as the Administrator may make in this behalf. I have moved an amendment to the effect that in the place of "Administrator", it shall be the "Chairman of the Metropolitan Assembly." Up till now, we have been hearing so much about not being able to do it because we did not have an amendment of the Constitution. I want to ask Shri Hathi one thing. There is no amendment needed for the Chairman of the Metropolitan Council to make rules and to conduct the business of the Assembly. Why even this small thing is being taken away? Just as our Speaker or any other Chairman of the various municipalities have the right to conduct the business of the House, this also could be allowed. Why should it be that it will have to be done by the rules, etc. by the Administrator? That is the purpose of my amendments.

Shri Bade: I want to support Shrimati Renu Chakravartty's amendments. I have appended a Note of Dissent to the effect that the Joint Committee in their majority report have avoided the question of language by deleting the relevant clause, that is, clause 24 of the original Bill, and have substituted this clause. In the substitute clause, there is more mischief done than in the original clause. The whole power is given to the Administrator in clause 24. Therefore, I support Shrimati Renu Chakravartty's amendments.

Shri Hathi: So far as the rule-making power is concerned, the Metropolitan Council may make rules. It is only with regard to putting of questions, which may be a reserved subject, he has to consult the Chairman, and with the approval of the President. So, it is not correct to say that the bureaucrat is going to make these things.

The second point is that these powers are given to the Administrator

until the rules are made by the Chairman. If he has not made, till then only the Administrator will make. Ultimately, of course, the Chairman will make.

Mr. Speaker: I will put amendments Nos. 35 and 36 to the House.

Amendments Nos. 35 and 36 were put and negatived.

Mr. Speaker: The question is:

"That clause 24 stand part of the Bill."

The motion was adopted.

Clause 24 was added to the Bill.

Clause 25 was added to the Bill.

Clause 26—*(Courts not to inquire into proceedings of Metropolitan Council)*

श्री मधु लिमये : जो दिल्ली विधेयक की 26वीं धारा है वह इस तरह से है :—

"The validity of any proceedings in the Metropolitan Council shall not be called in question on the ground of any alleged irregularity of procedure."

अगर आप संविधान को देखेंगे तो संविधान की धारा 122 लोक सभा के या राज्य सभा के संबंध में है। वह इसी तरह है :

"The validity of any proceedings in Parliament shall not be called in question on the ground of any alleged irregularity of procedure."

उसी तरह से जहाँ तक राज्य विधान मण्डलों का सवाल है, आप देखेंगे कि 212 धारा है। 212 धारा इस तरह से है :

"The validity of any proceedings in the Legislature of a State shall not be called in question on the ground of any alleged irregularity of procedure."

मैं यह प्रार्थना कर रहा था कि लोकतन्त्र की दृष्टि से जो जरूरी अधिकार हैं कानून बनाने के और खर्च पर नियंत्रण रखने के उन अधिकारों से तो आपने वंचित रखा ही है मैट्रोपोलिटन काउंसिल को, लेकिन लोकतन्त्र का यह जो मुद्दा है उसको लिबास तो ऐसा पहनाया है इस तरह सजाया है कि मानो लोक सभा और विधान सभा के जो अधिकार हैं वे उनको मिलने वाले हैं। मैं प्रार्थना कर रहा हूँ कि इस धारा को ले कर एक संवैधानिक विवाद बड़े पैमाने पर हमारे देश में चल रहा था। आप जानते हैं कि उत्तर प्रदेश में एक केशव सिंह का मामला उठा था और उसके अन्दर जो विरोधाधिकार या इस तरह की जो प्रक्रिया विधान सभा की या लोक सभा की होती है उसके बारे में अदालत को फैसला देने का अधिकार है या नहीं इसके बारे में बड़ी दिलचस्पी बहुत खड़ी हो गयी थी और राष्ट्रपति के द्वारा एक रेफरेंस 143 धारा के अन्दर सुप्रीम कोर्ट को किया गया था। सुप्रीम कोर्ट का यह फैसला मेरे पास है। मैं ज्यादा समय नहीं लेना चाहता हूँ। आप भी कहते हैं कि मुक्तिसिर में कहा जाए...

अध्यक्ष महोदय : इसी लिए कहा है कि कोई इम्पार्टेंट क्लाइम न रह जाए।

श्री मधु लिख्ये : ठीक है, मैं मानता हूँ इसको। तो सुप्रीम कोर्ट ने कहा है :

"In a democratic country governed by a written Constitution, it is the Constitution which is supreme and sovereign... Legislators, Ministers and Judges all take oath of allegiance to the Constitution, for it is by the relevant provisions of the Constitution that they derive their authority and jurisdiction and it is to the provisions of the Constitution that they owe allegiance. Therefore, there can be no doubt that the sovereignty which is claimed by the Parliament in England cannot be claimed by any Legislature in India in the literal absolute sense."

आगे उन्होंने जो कहा है उस धारा के संबंध में जो मैंने अभी पढ़ कर सुनाई उसको भी मैं आपको पढ़ कर सुनाता हूँ। यह फैसला सुप्रीम कोर्ट का है, गजेन्द्रगडकर साहब का है 212 के बारे में। उन्होंने लिखा है :

"Art. 212(1) seems to make it possible for a citizen to call in question in the appropriate court of law the validity of any proceedings inside the Legislative Chamber if his case is that the said proceedings suffer not from mere irregularity of procedure, but from an illegality. If the impugned procedure is illegal and unconstitutional, it would be open to be scrutinised in a court of law."

फिर पिछले साल अध्यक्ष महोदय, सम्मेलन हुआ सभापतियों का। नायब आप ने उस की सदारत की थी। आप का भाषण मेरे पास है। मैं उस में से एक जुमला सदन के ...

श्री प्रकाशचंदर शास्त्री : आप ने कहा कि नायब आपने सदारत की थी।

श्री मधु लिख्ये : मैं सदारत के बारे में नहीं जानता हूँ, लेकिन आप के भाषण के बारे में जानता हूँ। आप का भाषण मेरे पास है। उसमें से एक ही जुमला सदन की जानकारी के लिये रखना चाहता हूँ। हालांकि सदन में इस पर बहुत नहीं हुई, लेकिन यह सारी धारारों विधेयक के जरिये आ रही हैं। इस लिये मैं सदन का ध्यान दिलाना चाहता हूँ। अनुच्छेद 31 में आप ने कहा है कि :

"It has been argued that in England, Parliament is sovereign; in India the Constitution is supreme. Nobody denies that. The same is the case as regards the Supreme Court. It is the Constitution that is supreme and not the Supreme Court. It has to interpret the Constitution, and not to make it or rewrite it."

[श्री मधु लिखये]

मैं ध्याप के साथ कहना चाहता हूँ कि यह केवल सैद्धांतिक बात है। ध्याप बुरा न मानिये। ध्याप ने 113 के मातहत धोर 208 तथा 210 नियमों के अन्दर, जो कि हमारे कटौती प्रस्ताव के संबंध में हैं, फैसला किया कि लोक सभा और राज्य सभा की जो अनुदान की मांगें हैं उन के ऊपर कटौती प्रस्ताव नहीं धा सकता।

अध्यक्ष महोदय : अब घना बतलाइये...

श्री मधु लिखये : मैं तो केवल सैद्धांतिक बात बोल रहा हूँ, ध्याप बुरा क्यों मानते हैं।

अध्यक्ष महोदय : मैं बुरा इस वास्ते मान रहा हूँ कि बेशक ध्याप पीने पांच बजा बीजिये, लेकिन...

श्री मधु लिखये : क्या मैं इर्रेलिवेंट बोल रहा हूँ। जो धारारें इस मेट्रोपोलिटन काउंसिल के लिये लागू की जा रही हैं उस पर धाषण करते समय मैं क्या कोई ऐसी बात बोल रहा हूँ जो कि गलत है। मैं निवेदन कर रहा था कि मेरे जैसे व्यक्ति को लगता है कि ध्याप ने सुप्रीम कोर्ट के बारे में जो कुछ कहा है यह बड़ा अच्छा जुमला है। मैं फिर उस को दोहरा देता हूँ :

"It has to interpret the Constitution, and not to make it or re-write it."

मैं ध्याप से मुत्तफिक राय हूँ। लेकिन मेरे जैसे धादमी को ऐसा लगता है कि धारा 113 बिल्कुल साफ है, यह नियम साफ हैं। कभी कभी अध्यक्ष के निर्णय से यह काम होता है, रिस्ट्रिक्टिंग दि कांस्टिट्यूशन, रिमेकिंग दि कांस्टिट्यूशन। तो मैं यह निवेदन कर रहा था कि इन धाराओं के बारे में एक संवैधानिक बहस चल रही है, और सुप्रीम कोर्ट ने यह साफ साफ कहा है कि 122 का या 212 का यह मतलब नहीं कि धवालत का कोई अधिकार नहीं। अगर कोई कार्य प्रक्रिया संबंधी बातें हैं तो ध्याप धवालत में नहीं जा सकते। जैसे

कोई एडजार्नमेंट मोशन है या किसी को ध्याप मुअत्तल करते हैं तो यह बातें धवालत के सामने नहीं धा सकती हैं, लेकिन जिस में संविधान की हत्या होती है.....

Dr. M. S. Aney: He is reading an opinion given and not a judgement of the Court. If that is the case, I think it will be wasting the time of the House.

श्री मधु लिखये : तो क्या हुआ ? स्पीकर साहब की राय है, सुप्रीम कोर्ट की भी धोपीनियब है।

अध्यक्ष महोदय : मेरी राय कोई काबिल पाबन्दी नहीं है।

श्री मधु लिखये : मैं ने भी कहा कि सुप्रीम कोर्ट का यह कानून नहीं है।

अध्यक्ष महोदय : न सुप्रीम कोर्ट की राय धाखिरी है। इस धारा को ले कर ध्याप सुप्रीम को कोर्ट का जजमेंट बेशक पढ़ सकते हैं।

श्री मधु लिखये : तो मैं निवेदन कर रहा था कि जब कि यह विवाद का विषय है और कार्य प्रक्रिया में अनियमितता या प्रोसीज-जरल इर्रेगुलैरिटी धा गई तब तो ऐसा अधिकार धवालतों को हम नहीं दे सकते, लेकिन जब हमारा लिखित संविधान है और उस पर बहस चल रही है, सुप्रीम कोर्ट का एक दृष्टिकोण है तो सुप्रीम कोर्ट ने यह यों ही तो नहीं कह दिया है। राष्ट्रपति ने उचित समझा, मुनासिब समझा और तब केस उन के पास भेजा और जो धारा 143 है उस के मातहत उन्होंने अपना निर्णय दिया। मैं ने यह नहीं कहा कि यह 'सा ध्याफ दि लैण्ड' है या देश का कानून बन गया है। यह तो मैं भी जानता हूँ, लेकिन मैं निवेदन करता था कि जब इस धारा में विवाद है कि 122 धारा और 212 धारा का मतलब क्या है। केवल कार्य प्रक्रिया

संबंधी अनियमितता अदालतों के सामने नहीं आ सकती है। अगर प्रसवैधानिक काम हो रहा है या गैर कानूनी काम हो रहा है तो सुप्रीम कोर्ट की जो ऐडवाइजरी घोषी-नियन है वह बिल्कुल साफ है। मैं प्रदब से कहूंगा कि इस धारा के बारे में मैं ने प्रमेंडमेंट दिया था लेकिन वह लैप्स हो गया ज्वारेंट कमेटी की रपट के बाद। मैं ने यह वाक्य जोड़ने के लिये कहा था। अगर प्राप खुद कर सकते हों तो कर दीजिए। मैं ने कहा था कि :

"The validity of any proceedings in the Metropolitan Council shall not be called in question on the ground of any alleged irregularity of procedure as distinct from illegality."

ये अन्तिम जोड़ दिये जायें। लेकिन सेलेक्ट कमेटी की रिपोर्ट के बाद मैं ने उसे दोहराया नहीं। मैं कोई पक्ष नहीं ले रहा हूं। जो सुप्रीम कोर्ट की राय है, अध्यक्षों की राय है, मैं सब की कद्र करता हूं। उन की रायों पर जरूर विचार होना चाहिये। लेकिन अगर प्राप प्राप्ति समझें तो कम से कम इन शब्दों को जोड़ने की मेहरबानी करें।

Shri Hathi: I am grateful to the Member for giving such a long speech but it would have been better had he moved an amendment so that we could consider it.

जी मधु सिन्घे : वह तो दिया था। हम को प्राप ने सेलेक्ट कमेटी में लिखा नहीं। प्राप ने इस पर विचार कहा किया ?

Shri Hathi: In the absence of that, I do not think we can do anything.

Mr. Speaker: The question is:

"That clause 26 stand part of the Bill."

The motion was adopted.

Clause 26 was added to the Bill.

Clause 27—(Executive Council)

Shrimati Renu Chakravarty: Sir, I beg to move:

(i) Page 11, lines 16 to 18,—

omit "except in so far as he is required by or under this Act to exercise his functions or any of them in his discretion or by or under any law to exercise any judicial or quasi-judicial functions". (38).

(ii) Page 11,—

omit lines 19 to 28. (39).

(iii) Page 11, lines 32 to 36,—

for "and nothing in this sub-section shall be construed as preventing the Administrator in case of any difference of opinion between him and the members of the Executive Council from taking any action in respect of the administration of New Delhi as he, in his discretion, considers necessary",

substitute—

"In case of any difference of opinion between him and the Executive Council, the matter shall be referred to the President whose decision shall be final". (40).

(iv) Page 12,—

omit lines 1 to 19.(41)

All the four amendments have been moved with the same intention of restricting the powers of the Administrator. The first one, of course, is not exactly that; the first one is to increase the number of the Executive Councilors from four to seven. The reason for that is that now we are going to have 56 members and, therefore, with 56 members it is better that we have a few more than the four originally thought of when the Council was to be a smaller Council; also, seven will be an indivisible number. Since almost all the powers are going to be concentrated in the hands of the Executive Council, it is better that it

[Shrimati Renu Chakravartty]

should be a bigger body. Instead of having an even number it is much better to have an odd number. The Minister could have said, let us have three if you want an indivisible number; but because the Executive Council will be holding the real authority to a certain extent, much more than the Metropolitan Council, it should be a bigger body.

With regard to the other amendment, I have stated that it is the Executive Councillors who should carry out the day to day executive functions of the political and economic life of Delhi. This is what I want. At least this much should be granted. At every stage of the Bill, while we oppose the very principle of the Bill, I have tried to give maximum amount of authority to the most important organs which are being set up under this Act. Here again instead of giving that authority to the Administrator, who is a bureaucrat after all, let us at least give it to the Executive Council which will be a little wiser than the Administrator. That is why I have moved that the Executive Councillors shall carry on the day to day executive functions. Actually it says that in his discretion the Administrator would be authorised to use all powers, both judicial or quasi-judicial. I have, by my amendments, taken away that right of the Administrator.

Then there is a long proviso which says:—

"in case of difference of opinion between the Administrator and the members of the Executive Council...."

There again he has the authority to act in his discretion and acting in his discretion the Administrator shall refer it to the President. I say that this gentleman, the Administrator, is going to be the be-all and end-all of the Metropolitan Council. Again I have tried to strike down the portion which says:—

"nothing in this sub-section shall be construed as preventing the

Administrator in case of any difference of opinion between him and the members of the Executive Council from taking any action in respect of the administration of New Delhi as he, in his discretion, considers necessary."

Can you imagine what enormous powers are being concentrated in the hands of the Administrator? If there is any difference of opinion he, in his discretion, can take any action in respect of the administration of Delhi! So, all this I have tried to do.

Finally, I have again tried to curb the right of the Administrator with respect to law and order as given in sub-clause (3), (4), (5), (6) and (7). It says that the President may from time to time specify such matters as law and order which shall be exercised by him in his discretion; that is, the Administrator shall exercise in his discretion. Then, the Administrator, under this Act, will be required to act in discretion on any matter and he will have full discretion. Further, on judicial and quasi-judicial functions, his decision will be final and again, if any question arises as to whether any matter is or is not a matter concerning New Delhi, the decision of the Administrator shall be final.

It is an amazing blanket power which we are giving to him. If one looks at it in a dispassionate manner which, I am afraid, this Government is not able to do—you might give over the whole administration of Delhi to his one single gentleman and I do not know who will be that gentleman—the grand Mughal will come in again.

Shri Bade: I support the amendments of Shrimati Renu Chakravartty. Clauses 22 and 27 are the most dangerous clauses of this Bill. According to clause 27, the Executive Council consists of not more than four members and all the members of the Executive Council shall be appointed by the President. The President means the Government. No Opposition Member will

be appointed by the President and the Opposition has got no chance to come in the Executive Council. Not only that. If there is any difference of opinion, it is in his discretion to refer the matter to the President. I know what is the judicial discretion. You, Sir, are also a judge. Judicial discretion is quite a different thing. But the executive discretion is quite dangerous. They will never allow the matter to be referred to the President.

Shri K. C. Sharma (Sardhana): It is an intelligent discretion.

Shrimati Renu Chakravarty: There is no intelligence left.

Shri Bade: Clause 27 says:

"There shall be an Executive Council, consisting of not more than four members one of whom shall be designated as the Chief Executive Councillor...."

And they are all responsible to the Metropolitan Council. So, there will be another Government. The Metropolitan Council will consist of elected members and this Executive Council will consist of the members nominated by the President, that is, by the Government, and they are not responsible at all. If there is any difference between the four members, then the Administration in his discretion will refer the matter to the President. This is the most dangerous clause. I support the amendments moved by Shrimati Renu Chakravarty.

श्री प्रकाशवीर शास्त्री : अध्यक्ष महोदय, वह तो दिल्ली केन्दर इस क्लॉज के धा जाने से अब चार गवर्नमेंट काम करेंगी। दिल्ली नगर निगम चलन होगा, मेट्रोपोलिटन कौंसिल चलन होगी, एग्जीक्यूटिव कौंसिल चलन होगी और सेन्ट्रल गवर्नमेंट चलन होगी। इस तरह से दिल्ली की जनता का प्रायः चार हाथों में रहेगा। एक हाथ से जनता को जनतन्त्र के अधिकार देना और दूसरी ओर से राष्ट्रपति को यह अधिकार दे देना कि वह अपनी ओर से एग्जीक्यूटिव कौंसिल नामिनेट करे, यह तो

जनतन्त्र का उपहास है। केन्द्रीय सरकार को अपनी से यह भय है, प्रागे चलकर अगर महानगर परिषद ऐसे लोगों के हाथ में आ गई कि जो कांग्रेस के नहीं हैं तो उस समय राष्ट्रपति अपनी इच्छा से जिसको चाहे एग्जीक्यूटिव कौंसिल में या महानगर परिषद् के जो अधिकारी हैं, उनको वह नामिनेट कर सकेगा। यह प्रजातन्त्र का उपहास है और मैं इसीलिए इस धारा का विरोध करता हूँ।

Shri Hathi: In the first instance, the suggestion is that the number of the Executive Councillors should be raised from four to seven on the ground that now the number of the members of the Metropolitan Council has been raised from 49 to 56. But this number has no relation with the number of the members of the Metropolitan Council. It may be even hundred members. The question is how much work will be there. It is no use multiplying the number, making it 6 or 7 or whatever it is. Therefore, four is a sufficient number.

About the second matter, when there is a difference of opinion between the members and the Administrator, the Administrator shall refer it to the President for decision and act according to the decision given thereon by the President.

Then, the third point that Shri Prakash Vir Shastri suggested was that there will be four different Governments. There will not be four different Governments. In all States, there are the Municipal Corporations and then there is the State Government. There will not be four different Governments. There will be one unified Government, the Administration, the Executive Council and the Administrator subject to the Central Government. I oppose these amendments.

Mr. Speaker: I shall now put all the four amendments to the vote of the House.

Amendments Nos. 28 to 41 were put and negatived.

Mr. Speaker: The question is:

"That clause 27 stand part of the Bill."

The motion was adopted.

Clause 27 was added to the Bill.

Clause 28—(Other provisions as to members of Executive Council)

Shri Shiv Charan Gupta: I beg to move:

(i) Page 12, for lines 20 and 21, substitute:

"28. (1) The Chief Executive Councillor shall be appointed by the President and the other Executive Councillors shall be appointed by the President on the advice of the Chief Executive Councillor." (7)

(ii) Page 12, after line 21, insert:

"(1A) The Executive Council shall be collectively responsible to the Metropolitan Council." (8)

Shrimati Renu Chakravarty: I beg to move: †

(i) Page 12, for lines 20 and 21, substitute:

"28. (1) The members of the Executive Council shall be elected by the Metropolitan Assembly." (42)

(ii) Page 12, omit lines 22 and 23. (43)

(iii) Page 12, after line 23, insert:

"Provided that the President shall remove from office any executive Councillor against whom the Metropolitan Council passes a vote of No-confidence by a two-thirds majority." (44)

Shri Hari Vishnu Kamath: I beg to move:

* Page 12, after line 23, insert:

"Provided that where a motion for the removal of an Executive

Councillor has been adopted by a majority of the total membership of the Metropolitan Council and by a majority of not less than two-thirds of the members of the Council present and voting, and a petition to that effect has been submitted to the President, the president shall remove the said Executive Councillor from office forthwith." (58).

Mr. Speaker: These amendments are now before the House.

Shri Shiv Charan Gupta: It has been proposed in the Bill that the members of the Executive Council shall be appointed by the President. In my amendment I have suggested that the chief executive councillor shall be appointed by the President and the other executive councillors shall be appointed by the President on the advice of the chief executive councillor and that the executive council shall be collectively responsible to the metropolitan council. What I have suggested by this is that the leader of the majority party in the metropolitan council shall be called upon to form the executive council and he will be named as the chief executive councillor and on his advice the other executive councillors shall be appointed. The idea is that the executive council shall be responsible to the metropolitan council and the chief executive councillor and the executive councillors should work as a team. In order to achieve this democratic content in the metropolitan council and to make the executive council responsible to the metropolitan council, I have moved my amendment.

Shri Hari Vishnu Kamath: I am aware that regrettable though it may be, the Bill does not contemplate or envisage a full-fledged democratic apparatus or paraphernalia for the Union Territory of Delhi. But as far as possible, I want to mitigate the inconveniences, the handicaps and rigours that would ensue and that are bound to ensue from the set-up that is contemplated.

The set-up envisaged under clause 28, so far as the executive council is concerned, will confer upon Delhi an irresponsible, irremovable and unresponsive executive responsible to no one but the President. They will hold office at the pleasure of the President, and thus their tenure will depend upon the pleasure or displeasure of the President. I am afraid, and I have no hesitation in saying, that this is an indelible stain on the democratic escutcheon that we have adopted for our country.

The executive council being as contemplated in this Bill, there will be a lot of jockeying for position among several persons who are aspirants, and knowing that they are not responsible to the Metropolitan council or any elected body they will only be craving the patronage of the President, that is to say, the Council of Ministers here, because the President would act on the advice of the Council of Ministers; they will be craving, and they will be hankering and hungering after patronage conferred by the Central Council of Ministers, and they will be trying to carry favour with Ministers. This is wholly repugnant to a democratic set-up, and, therefore, I strongly recommend that my amendment which reads as follows be accepted by the House:

"Provided that where a motion for the removal of an Executive Councillor has been adopted by a majority of the total membership of the Metropolitan Council and by a majority of not less than two-thirds of the members of the Council present and voting, and a petition to that effect has been submitted to the President, the President shall remove the said Executive Councillor from office forthwith."

I have taken care to see that it is not a simple majority I have also taken care to see that a petition to this effect should be adopted by a two-thirds majority. Shrimati Renu Chakravartty also has moved a similar am-

endment, though not exactly in these very words, and I am glad that she has moved it.

I, therefore, recommend that my amendment be accepted by the House.

Shrimati Renu Chakravartty: The amendments which I have moved to clause 28 are with the intention of insisting firstly that the executive council shall be elected by the metropolitan council. I cannot understand the use of this Bill if in the first instance, the metropolitan council itself is not given any powers. After having given no powers to the metropolitan council, and if even after having the executive council they have given almost all the executive powers to the administrator and the President, and still it is said that the executive council shall be a fully nominated body, I would submit that it is completely against democracy and it is a complete negation of it.

Therefore, with all the emphasis at my command, I would insist that the members of the Executive Council shall be elected by the Metropolitan Council.

Secondly, I have sought to delete the sub-clause which gives power to the President to the effect that the members of the Executive Council shall hold office during the pleasure of the President. We have opposed nomination because we have seen what it does. It is really source of graft and corruption. That is why when they again introduce this system of nomination of the entire executive Council who will hold office at the pleasure of the President, we say it means that if they would be nothing more than a complete tool in the hands of the President. In such a situation, I say that even at this stage if Government accept amendment No. 43, I would seek leave of the House to withdraw amendment No. 44. But knowing the fate of our amendments, we can say that amendment No. 43 will never be accepted; it can never be accepted by this Government because they are opposed to all democratic procedures

[Shrimati Renu Chakravartty]

of election. Therefore, I have moved 44 because if this proviso is introduced that the President shall remove from office any Executive Councillor against whom the Metropolitan Council passes a vote of no-confidence by a two-thirds majority, at least there will be some chance that the Executive Councillors will behave with a little bit more of responsibility to the Metropolitan Council.

श्री मधु लिमये : अध्यक्ष महोदय, जॉ संशोधन हमारे सामने आये हैं उन को मैं ताईद करता हूँ क्योंकि मुझे इस बात पर आपत्ति है कि जहाँ अधिकार देने की बात आती है मैट्रोपोलिटन कौंसिल को कोई अधिकार नहीं देते हैं लेकिन कार्य प्रक्रिया सम्बन्धी अनियमितताओं को अभी आप ने संरक्षण दे दिया जैसा कि लोक सभा और विधान सभा के बारे में संविधान में किया गया। लोकतंत्र का बुद्धिवादी सिद्धांत है कि चुनी हुई प्रतिनिधि सभा के प्रति यह कार्यपालिका का दायित्व होना चाहिए इसलिए श्री शिवशरण गुप्त और श्रीमती रेणु चक्रवर्ती ने जितने संशोधन सक्खे हैं उनका मैं समर्थन करता हूँ और हाथी साहब से विनती करता हूँ कि कम से कम उस को तो मानें कि जो प्रमुख कार्यपालिका का सदस्य होगा उस की सलाह पर बाकी लोगों को नियुक्त किया जाय और अगर अविश्वास का प्रस्ताव यह मैट्रोपोलिटन कौंसिल पास करती है तो वह हट जाय। कम से कम इस बात को वह स्वीकार करें। इतना ही मुझे कहना है।

Shri Bade: I shall finish my observations within two minutes. I wish that Shri Kamath's amendment is accepted. I had intended to move a similar amendment, but since the purpose is already served by Shri Kamath's amendment, I did not do so. His is a simple amendment that if

by a two-thirds majority a motion is passed for the removal of an Executive Councillor he shall be removed. I know the Government will not budge an inch. But it should not be supposed that we are doing something wrong or committing a crime by bringing forward such amendments; we are doing our duty. I would, therefore, request the Minister to accept it.

Shri Hathi: The question is not of budging an inch, foot or mile. The question is, who is responsible? The responsibility is on the President. It is not that we are not giving a responsible government or democratic government. That is not so. There will be association of members with the Administration and they will be Executive Councillors. The Members have to be responsible to the President.

Shri Hari Vishnu Kamath: 'President' means yourself, the Council of Ministers.

Shri Hathi: So it does not fit in the pattern of things.

Mr. Speaker: Have I to put any amendment separately?

श्री मधु लिमये : 7 और 8 अलग से किये जायें।

Shrimati Renu Chakravartty: 42 and 44 also separately.

Mr. Speaker: The question is:

Page 12,—for lines 20 and 21, substitute—

"28(1) The members of the Executive Council shall be elected by the Metropolitan Assembly". (42)

The Lok Sabha divided.

Div. No. 27]

AYES

[16.39 hrs

Bade Shri
Badrudduja, Shri
Bhattacharya, Shri Dinen
Chakravartty, Shrimati Renu
Dwivedy, Shri Surendranath
Gulshan, Shri

Imbichibava, Shri
Kamath, Shri Hari Viahnu
Kandappen, Shri S.
Kunhar, Shri P.
Limaye, Shri Madhu
Mate, Shri

Mohan Swarup, Shri
Shastri, Shri Prakash Vir
Singh, Shri Y. D.
Sivasankaran, Shri
Venkaiah, Shri Kolla
Verma, Shri S.L.

NOES

Aney, Dr. M. S.
Asad, Shri Bhagwat Jha
Balakrishnan, Shri
Balmiki, Shri
Barman, Shri P.C.
Basappa, Shri
Baswant, Shri
Bhagavati, Shri
Bhanja Dro, Shri L. N.
Bhattacharyya, Shri C.K.
Brij Bassi Lal, Shri
Chanda, Shrimati Jyotana
Chandrabhan Singh, Shri
Chandrikil, Shri
Chaturvedi, Shri S.N.
Chaudhry, Shri Chandramani Lal
Chaudhuri, Shri D.S.
Chaudhuri, Shrimati Kamala
Daljit Singh, Shri
Das, Shri N.T.
Deo Bhanl, Shri P.C.
Deobhukh, Shri B.D.
Dhuleshwar Meena, Shri
Dwivedi, Shri M. L.
Gupta, Shri Shiv Charan
Hansda, Shri Subodh
Heda, Shri
Jadhav, Shri M.L.
Jedhe, Shri
Jena, Shri
Joshi, Shrimati Subhadra
Jyotishi, Shri J.P.
Kamble, Shri
Kidaria, Shri C.M.
Kindar Lal, Shri
Kotoki, Shri Lilladhar
Krips Shankar, Shri
Lalit Sen, Shri

Laskar, Shri N.R.
Luxmi Bai, Shrimati
Lonikar, Shri
Mahadeva Prasad, Dr.
Mahishi, Dr. Sarojini
Malachami, Shri
Mallick, Shri Rama Chandra
Mandal, Dr P.
Maniyangaden, Shri
Mantri, Shri D. D.
Maruthiah, Shri
Masuriya Din, Shri
Matcharaju, Shri
Mathur, Shri Shiv Charan
Mehrotra, Shri Braj Bihari
Mehta, Shri Jashvant
Minimata, Shrimati
Mishra, Shri Bibhuti
Mohanty, Shri Gokulananda
More, Shri K. L.
Mukerjee, Shrimati Sharda
Naik, Shri D. J.
Naik, Shri Maheswar
Nanda, Shri
Naskar, Shri P. S.
Niranjan Lal, Shri
Paliwal, Shri
Pandey, Shri Viahwa Nath
Patil, Shri T.A.
Pattabhi Raman, Shri C.R.
Prabhakar, Shri Naval
Rai, Shrimati Sahodra Bai
Raja, Shri C.R.
Rajdeo Singh, Shri
Raju, Shri D.B.
Ram, Shri T.
Ram Sewak, Shri
Ram Swarup, Shri

Rameshwar Prasad Singh, Shri
Rane, Shri
Rao, Shri Jagannatha
Rao, Shri Muthyal
Rao, Shri Ramapathi
Roy, Shri Bishwanath
Sadhu, Ram, Shri
Samanta, Shri S.C.
Sen, Shri P.G.
Sham Nath, Shri
Sharma, Shri D.C.
Sharma, Shri K.C.
Shastri, Shri Ramenand
Sheo Narian, Shri
Shree Narayan Das, Shri
Shukla, Shri Vidya Charan
Siddananappa, Shri
Singha, Shri G. K.
Sinha, Shrimati Ramdulari
Sinha, Shri Satya Narayan
Snatak, Shri Nardeo
Subbaraman, Shri
Surya Prasad, Shri
Swamy, Shri M.N.
Tiwary, Shri K.N.
Tiwary, Shri R.S.
Tula Ram, Shri
Ukey, Shri
Ulaka Shri Ramachandra
Upadhyaya, Shri Shiva Dutt
Vaishya, Shri M.B.
Venkatasubbaiah, Shri P.
Verma, Shri Balgovind
Virbhadra Singh, Shri
Wadiwa, Shri
Yadav, Shri N.P.
Yadava, Shri B.P.

Mr. Speaker: The result of the division is: Ayes 18; Noes 113.

The motion was negatived.

Mr. Speaker: I shall now put amendment No. 44 to the vote of the House.

The question is:

after line 29, meant,—

"Provided that the President shall remove from office any Executive Councillor against whom the Metropolitan Council passes a vote of No-confidence by a two-thirds majority." (44)

[Div. No. 28

AYES

[16.45 hrs.]

Bade, Shri.
Bedrudduja, Shri
Bhattacharya, Shri Dinen.
Chakravarty, Shrimati Renu
Dwivedy, Shri Surendranath.

Kamath, Shri Hari Vishnu.
Kandappa, Shri
Kunhan, Shri P.
Limye, Shri Madhu.
Mate, Shri.

Shastri, Shri Prakash Vir.
Sivasankaran, Shri.
Swamy, Shri M. N.
Venkaia, Shri Kolla.
Verma, Shri S. L.

NOES

Aney, Dr. M. S.
Arunachalam, Shri
Azad, Shri Bhagwat Jha
Balakrishnan, Shri
Balmiki, Shri
Barman, Shri P. C.
Basappa, Shri
Baswant, Shri
Bhagavati, Shri
Bhanja Deo, Shri L. N.
Bhattacharyya, Shri C. K.
Brij Basi Lal, Shri
Chanda, Shrimati Jyotana
Chandrabhan Singh, Shri
Chandriki, Shri
Chaturvedi, Shri S. N.
Chaudhry, Shri Chandramani Lal
Chaudhuri, Shri D. S.
Chaudhuri, Shrimati Kamala
Chavda, Shrimati Joraben
• Daljit Singh, Shri
Das, Shri N. T.
Deo Bhanj, Shri P. C.
Deshmukh, Shri B. D.
Deshmuk, Shrimati Vimlabai
Dhuleshwar Meena, Shri
Dwivedi, Shri M. L.
Hanada, Shri Sudodh
Hazarika, Shri J. N.
Jadhav, Shri M. L.
Jedhe, Shri
Jena, Shri J
Joshi, Shrimati Sudhadra
Jyotishi, Shri J. P.
Kamble, Shri
Kedaria, Shri C. M.
Kindar Lal, Shri
Kotaki, Shri Lladhar

Kripa Shankar, Shri
Lalit Sen, Shri
Laskar, Shri N. R.
Laxmi Bai, Shrimati
Lonikar, Shri
Mahadeva Prasad, Dr.
Malaichami, Shri
Mallick, Shri Rama Chandra
Mandal, Dr. P.
Maniyangadan, Shri
Mantri, Shri D. D.
Maruthiah, Shri
Masuriya Din, Shri
Matcharaju, Shri
Mathur, Shri Shiv Charan
Mehrotra, Shri Braj Bihari
Mehta, Shri Jashvant
Minimata, Shrimati
Mishra, Shri Bibhuti
Mohanty, Shri Gokulananda
More, Shri K. L.
Mukerjee, Shrimati Sharda
Naik, Shri D. J.
Naik, Shri Maheswar
Nanda, Shri
Naskar, Shri P. S.
Niranjan Lal, Shri
Paliwal, Shri
Pandey, Shri Vishwa Nath
Parashar, Shri
Patel, Shri N. N.
Patil, Shri T. A.
Pattabhi Raman, Shri C. R.
Prabhakar, Shri Naval
Rai, Shrimati Sahodra Bai
Raja, Shri C. R.
Rajdeo Singh, Shri
Raju, Shri D. B.
Ram Sewak, Shri
Ram Swarup, Shri
Ramahekhar Prasad Singh, Shri
Rane, Shri
Rao, Shri Jaganatha
Rao, Shri Muthyal
Rao, Shri Ramapathi
Roy, Shri Bishwanath
Sadhu Ram, Shri
Samanta, Shri S. C.
Sen, Shri P. G.
Sham Nath, Shri
Sharma, Shri D. C.
Sharma, Shri K. C.
Shastri, Shri Ramanand
Sheo Narain, Shri
Shree Narayan Das, Shri
Siddananjappa, Shri
Singha, Shri G. K.
Sinha, Shrimati Ramdulari
Sinha, Shri Satya Narayan
Snatak, Shri Nardeo
Subbaraman, Shri
Surya Prasad, Shri
Swamy, Shri M. N.
Tiwary, Shri D. N.
Tiwary, Shri K. N.
Tiwary, Shri R. S.
Tula Ram, Shri
Uikey, Shri
Ulaka, Shri Ramachandra
Upadhyaya, Shri Shiva Dutt
Venkatasubbaiah, Shri P.
Verma, Shri Balgovind
Virbhadra Singh, Shri
Wadiwa, Shri
Yadab, Shri N. P.
Yadava, Shri B. P.

Mr. Speaker: The result of the division is: Ayes 15; Noes 114.

The motion was negatived.

Mr. Speaker: Is there any other amendment which has to be put to vote separately?

Shri Hari Vishnu Kamath: I have an amendment but it is practically the same as the amendment we discussed just now.

Mr. Speaker: Then I will put all the other amendments to the vote of the House.

Amendments 7, 8, 43 and 88 were also put and negatived.

Mr. Speaker: The question is:

"That clause 28 stand part of the Bill."

The motion was adopted

Clause 28 was added to the Bill.

Mr. Speaker: Is there any Government amendment in the rest of the clauses?

Shri Hathi: Yes, Sir. Amendment No. 9 to clause 35. That is, the present electoral college to continue.

Shri Hari Vishnu Kamath: Before that I have clause 28(A). You cannot put amendment to clause 35 before clause 28.

Mr. Speaker: This is an amendment which is accepted by the Government. I am taking it up first. I shall come to the other amendments later on.

Clause 35—(Amendment of Act 43 of 1950)

Amendment made:

Page 15, lines 26 to 28,—

omit "and until that Council is constituted, the electoral college shall consist of the elected members of the Interim Metropolitan Council constituted under that Act". (9)

(Shri Hathi)

Mr. Speaker: The question is:

"That clause 35, as amended, stand part of the Bill."

The motion was adopted

Clause 35, as amended was added to the Bill

Shri Hathi: There is another amendment, No. 13 to clause 36.

Clause 36—(Amendment of Act 61 of 1957)

Amendment made:

Page 16, line 13,—

for "four", substitute "five". (13)

(Shri Hathi)

Shri Shriv Charan Gupta: Sir, I move:

(i) Page 16, lines 1 to 3,—

omit "and until that Council is constituted, three representatives of the Interim Metropolitan Council to be elected by the members of the Interim Metropolitan Council from among themselves". (10)

(ii) Page 16,—

after line 4, insert—

"(ff) two representatives of Parliament from amongst Members of Lok Sabha from Delhi;" (11)

(iii) Page 16,—

after line 9, insert—

"(iia) after sub-section (6), the following sub-section shall be inserted, namely:—

"(6A) The representatives of Parliament referred to in clause (ff) of sub-section (3) shall hold office for so long as they continued to the members thereof." (12)

Amendments Nos. 10, 11 and 12 were put and negatived.

Mr. Speaker: The question is:

"That clause 36, as amended, stand part of the Bill."

The motion was adopted

Clause 36, as amended, was added to the Bill

Mr. Speaker: I have to put all together now.

श्री मन्त्रु लिमये : अध्यक्ष महोदय, मैं क्लॉज 32 पर बोलना चाहता हूँ। मैं केवल दो चार मिनट लूंगा।

अध्यक्ष महोदय : अब वक्त नहीं है।

Clauses 29 to 38

Shri Hari Vishnu Kamath: Sir, I beg to move:

(i) Page 12,—

after line 33, insert—

"28A. Every order made by the President under section 28 shall be laid before each House of Parliament for approval or such modification as Parliament may deem necessary" (59)

(ii) Page 15,—

after line 12, insert—

"33A. Every order made by the President under section 33 shall be laid before each House of Parliament for approval or such modification as Parliament may deem necessary" (60)

Shrimati Renu Chakravartty: Sir, I beg to move:

Page 12, line 34.—

for "President", substitute—

"Metropolitan Assembly". (45)

Pages 12 and 13, lines 35 and 36 and 1 and 2 respectively,—

omit "to the members of the Executive Council in so far as it is not business with respect to which the Administrator is required by or under this Act to act in his discretion". (46)

Page 13, lines 3 and 4,—

omit "the more convenient transaction of business with the members of the Executive Council, including". (47)

Page 13,—

omit lines 8 to 16. (48)

Page 14,—

omit lines 11 and 12. (49)

Shri Shiv Charan Gupta: Sir, I beg to move:

Page 16, lines 23 and 24,—

omit "and, in particular in relation to the constitution of the Interim Metropolitan Council.". (14)

Mr. Speaker: I shall put amendments Nos. 59, 45, 46, 47, 48, 49, 60. 14 to the vote of the House.

The amendments were put and negatived.

Mr. Speaker: The question is:

"That clauses 29, 30, 31, 32, 33, 34 . . .

Shrimati Renu Chakravartty: Sir, at least let us move our amendments.

Mr. Speaker: I have put them to vote.

Shrimati Renu Chakravartty: Are you taking them as moved?

Mr. Speaker: Yes.

Shrimati Renu Chakravartty: All right. In clause 33, I am not moving my amendments 50 and 51.

Mr. Speaker: All right.

The question is:

"That clauses 29, 30, 31, 32, 33, 34, 37, 38, the Schedule, Clause 1, the Enacting Formula and the Title stand part of the Bill."

The motion was adopted

Clauses 29, 30, 31, 32, 33 34 37 38 the Schedule, Clause 1, the Enacting formula and the Title were added to the Bill.

Shri Hathi: I beg to move:

"That the Bill, as amended, be passed."

श्री मधु लिमये : अध्यक्ष महोदय, नियम 93 के अन्तर्गत मेरा एक पायंट प्राफ प्रार्डर है।

अध्यक्ष महोदय : हाउस ने जो फैसला किया है, मैं उस के मुताबिक चल रहा हूँ। हम ने इस बिल को अब खरम करना है।

श्री मधु लिमये : प्राप पहिले मेरा पायंट प्राफ प्रार्डर सुन कर प्रागे चलिए।

नियम 93 (2) इस प्रकार है :

"Where a Bill has undergone amendments the motion that the Bill as amended be passed shall not be moved on the same day on which the consideration of the Bill is concluded, unless the Speaker allows the motion to be made."

मेरी आपत्ति है कि इस प्रस्ताव पर प्राज विचार नहीं हो सकता है। प्राप को इस बारे में इजाजत देने का अधिकार है। लेकिन मैं प्राप से विनती करूंगा कि चूंकि यह बहुत ही महत्वपूर्ण बिल है, इस लिए इस सदन की परम्परा प्राौर इस बिल के महत्व को मदे-नजर रखते हुए प्राप मंत्री महोदय को यह प्रस्ताव रखने की अनुमति न दीजिए। प्राप को अनुमति न देने का पूरा अधिकार है प्राौर वह इस सदन के नियमों के अनुसार होगा।

Mr. Speaker: I allowed the motion to be made.

"That the Bill, as amended, be passed."

The question is:

The Lok Sabha divided:

Division No. 29]

[16 48 hrs.

AYES

Aney, Dr. M. S.
Arunachalam, Shri
Azad, Shri Bhagwat Jha
Balakrishnan, Shri
Balmiki, Shri
Barmen, Shri P. C.
Basappa, Shri
Baswant, Shri
Bhagavati, Shri
Bhattacharyya, Shri C. K.
Brij Basi Lal, Shri
Chanda, Shrimati, Jyotana
Chandrabhan Singh, Shri
Chandriki, Shri
Chaturvedi, Shri S. N.
Chaudhry, Shri Chandramani Lal
Chaudhuri, Shri D. S.
Chaudhuri, Shrimati Kamala
Chavda, Shrimati Joraben
Daljit Singh, Shri
Das, Shri N. T.
Deo Bhanj, Shri P. C.
Deshmukh, Shri B. D.
Deshmukh, Shrimati Vimlabai
Dhuleshwar Meena, Shri
Dwivedi, Shri M. L.
Gupta, Shri Shiv Charan
Hanada, Shri Subodh
Heda, Shri
Jadhav, Shri M. L.
Jedhe, Shri
Jena, Shri
Joshi, Shrimati Subhadra
Jyotishi, Shri J. P.
Kedaria, Shri C. M.
Khanna, Shri Mehr Chand
Kinder Lal, Shri
Kotaki, Shri Liladhar
Lalit Sen, Shri

Laskar, Shri N. R.
Laxmi Bai, Shrimati
Lonikar, Shri
Mahadeva Prasad, Dr.
Mahishi, Dr. Sarojini
Malaichami, Shri
Mallick, Shri Rama Chandra
Mandal, Shri Yamuna Prasad
Maniyangadan, Shri
Mantri, Shri D. D.
Maruthiah, Shri
Masuriya Din, Shri
Matcharaju, Shri
Mathur, Shri Shiv Charan
Mehrotra, Shri Braj Bihari
Mehta, Shri J. R.
Mehta, Shri Jasbwant
Minimata, Shrimati
Mishra, Shri Bibhud
Mohanty, Shri Gokulananda
More, Shri K. L.
Mukerjee, Shrimati Sharda
Naik, Shri D. J.
Nair, Shri Maheshwar
Nanda, Shri
Naskar, Shri P. S.
Niranjan Lal, Shri
Pillai, Shri
Pandey, Shri Vishwa Nath
Paramhar, Shri
Patel, Shri N. N.
Patil, Shri T. A.
Pattabhi Ramen, Shri C. R.
Prabhakar, Shri Naval
Rai, Shrimati Sahodra Bai
Raja, Shri C. R.
Rajdeo Singh, Shri
Raju, Shri D. B.
Ram, Shri T.

Ram Sewak, Shri
Ram Swarup, Shri
Rameshchandra Prasad Singh, Shri
Rane, Shri
Rao, Shri Jagannatha
Rao, Shri Muthyal
Rao, Shri Ramapathi
Roy, Shri Blahwanath
Sadhu Ram, Shri
Samanta, Shri S. C.
Sen, Shri P. G.
Sham Nath, Shri
Sharma, Shri D. C.
Sharma, Shri K. C.
Shastri, Shri Kamesand
Shree Narayan Das, Shri
Shukla, Shri Vidya Charan
Siddananappa, Shri
Singha, Shri G. K.
Sinha, Shrimati Ramdulari
Sinha, Shri Satya Narayan
Snatak, Shri Nardeo
Solanki, Shri
Subbaraman, Shri
Surya Prasad, Shri
Tiwary, Shri D. N.
Tiwary, Shri K. N.
Tole Ram, Shri
Ulkey, Shri
Ulaka, Shri Ramachandra
Upadhyaya, Shri Shiva Datta
Vaishya, Shri M. B.
Venkatasubbiah, Shri P.
Verma, Shri Balgovind
Virbhadra Singh, Shri
Wadiwa, Shri
Yadav, Shri N. P.
Yadava, Shri N. P.

NOES

Bade, Shri
Badrudduja, Shri
Bhattacharya, Shri Dines
Brahm Prakash, Shri
Chakravarty, Shrimati Renu
Dwivedy, Shri Surendranath
Imbichibava, Shri
Kamath, Shri Hari Vishnu

Kamble, Shri
Kandappa, Shri S.
Kunhan, Shri P.
Limaye, Shri Madhu
Mate, Shri
Mohan Swarup, Shri
Sheo Narain, Shri

Shastri, Shri Prakash Vir
Singh, Shri Y. D.
Sivasankaran, Shri
Swamy, Shri M. N.
Tiwary, Shri R. S.
Venkalah, Shri Kolla
Verma, Shri Shri, S. L.

Mr. Speaker: The result of the division is:

Noes : 22.

The motion was adopted.

Shrimati Renu Chakravarty:
Shame, shame.

Ayes : 155;

10.45 hrs.

**STATEMENT RE. DEFENCE OF
INDIA ACT AND DEFENCE OF
INDIA RULES**

The Minister of State in the Ministry of Home Affairs and Minister of Defence Supplies in the Ministry of Defence (Shri Hathl): Sir, on behalf of Shri Nanda, I make the following statement.

In my statement made on the floor of the House on 27th April, 1966, I had informed the House of the decisions taken by Government to restrict the application of the Defence of India Act and the Rules to and for certain specified border States and areas, and for certain purposes connected with defence and to bring forward the necessary legislation amending the Act for the purpose. A draft Bill was accordingly got ready, and I also wrote to the Speaker giving notice of my intention to seek the leave of the House to introduce the Defence of India (Amendment) Bill, 1966. Meanwhile, several further suggestions were made by some of my esteemed friends of this House and of Rajya Sabha and I felt that it would be desirable to hold detailed consultations with leading members of the Opposition and also of the Congress party so that any new points that arose might also be carefully considered.

According, we had meetings on 15th and 17th May, 1966, and had a frank exchange of views on how best to give effect to the decisions already announced. We are re-examining the provisions of the draft Bill in the light of views expressed at these meetings. It is for this reason that we have been unable to introduce the Bill in the current Session. I have no doubt that the House will appreciate Government's desire to accommodate the viewpoints of as wide a cross-section of its Members as was found feasible before bringing forward a Bill of this importance.

Even before amending the Defence of India Act we are immediately amending the Defence of India Rules which would enable the Central Government to require a State Government to take the prior sanction of the Central Government for any action proposed to be taken under any of the rules that may be specified. We are also taking powers under the Rules to issue directions to a State Government that no action taken under specified provisions of the Rules shall be continued except in accordance with such instructions as the Central Government may give. In the context of the fundamental rights guaranteed by articles 19 and 22 of the Constitution, it is the provisions of the Defence of India Rules relating to preventive detention and to action against the Press in the form of demand of security, imposition of pro-censorship and prosecution for prejudicial publications, that are of the greatest importance. We are, therefore, bringing exercise of powers and action under these provisions immediately under Central control and direction in all States and Territories except Assam, Nagaland, Manipur, Tripura, and Jammu and Kashmir.

The effect of the amendment which we proposed to make in the Defence of India Act will be as follows:—

- (i) the act and the Rules will remain in force in the border States and Territories I have just mentioned;
- (ii) in the rest of India it is only the Central Government which will have powers under the Act and the Rules, and these will also be limited (a) to certain purposes connected with the needs of the border States and Territories I have just mentioned (b) for civil defence, and (c) for a few defence needs, namely, action against enemy agents and spies, control of movement of persons to and from enemy

territory or occupied territory, publication of reports relating to defence matters, and control of trading with the enemy and of enemy firms including custody of property of the enemy or of persons residing and carrying on business in enemy territory or occupied territory.

I should explain that the only law which under the sanction of article 358 of the Constitution curtails the fundamental rights guaranteed under article 19 is the Defence of India Act and the Rules and Orders made under it, and the order of the President under article 359 suspending the enforcement of fundamental rights is confined to articles 14, 21 and 22, and that too only of rights that may be infringed by the Defence of India Act and Rules. It is not that numerous laws have been made in infringement of article 19, or fundamental rights have been generally suspended under article 359. When the application of the Defence of India Act and Rules is restricted in the manner in which I have explained earlier in my statement, the effect would be a corresponding restoration of the fundamental rights and the right to move the court for enforcement thereof.

Shri Surendranath Dwivedy (Kendrapara): Are they bringing forward a Bill to amend the Constitution to avoid this difficulty of proclamation of emergency and if necessary to apply it to particular areas if the situation so demands?

The Minister of Home Affairs (Shri Nanda): We had lengthy discussions on the whole subject and various alternative approaches were suggested. We felt that at the moment some steps could be taken at once in the direction of the expectations and wishes of the hon. members opposite. That is what has been announced now. Any further consideration of any other suggestion cannot be taken up immediately.

Shri Ranga (Chittoor): In view of the fact that it is already high time that this DIR and Emergency should be withdrawn, may I request that the Home Minister should take counsel with his colleagues as well as the legal luminaries in our country to find ways and means for ending the DIR and Emergency and getting on with the existing legislation that they have, in view of the fact that several hon. members, including Mr. Dwivedy, have been maintaining that the Cr.P.C. is more than enough to deal with the situation?

Sir, one cannot congratulate my hon. friend, Shri Nanda, on this half-hearted and half-way measure that he has brought forward. All that we can say is, we sympathise with him in his efforts to alleviate the distress of the people who have suffered and who are likely to suffer from the rigours of this DIR. We totally dissociate ourselves with this unsatisfactory move that is being made by the Government, and we would continue to press for the abolition of these two infamous measures.

Shri H. N. Mukerjee (Calcutta Central): Sir, I would not like an impression to go abroad in the country that because the Home Minister held certain confabulations, where some of us were invited, we are a party in any sense or form to whatever decisions he has announced. It was, of course, a polite act on his part to consult, even though in a very perfunctory manner, some Opposition Members of Parliament. As far as I could gather, my hon. friends, Shri Surendranath Dwivedy and Professor Ranga were there for part of the time, and I also could attend only a part of the time, during those discussions. We tried to make it clear that we continue our unequivocal stand that whatever the difficulties in one part of our country or another which might be trumpeted by Government as an excuse for continuation of the emergency, we were positive that the ordinary law of the land was sufficient to deal with

[Shri H. N. Mukerjee]

whatever problems confronted us today. And, we also recalled to the Home Minister that in spite of the possession of the most extraordinary sort of powers in his hands on account of emergency, the DIR and the entire paraphernalia which is its concomitant, he has most egregiously failed in preventing and then overcoming the difficulties which have come about in our country, in many parts of our land, from Mizoland and Nagaland to other areas of our country. We discovered, therefore, that the Government was in possession of the most extraordinary powers at a time when extraordinary powers were not called for in decency and in democracy, and in spite of having those extraordinary powers the Government showed egregious inaptitude in handling the problems and preventing problems from cropping up in the country. Therefore, we were positive and unanimous in our opinion, and it is necessary for us to repeat it in this House, that we remain convinced that Government has adopted only a half-hearted measure which is neither fish nor flesh, that Government is not recognising that it has committed a mistake, it has perpetrated a fraud on the Constitution and the country by continuing this emergency for more than three years with the results that it has shown, and it was more than high time the emergency was revoked, the DIR was stopped for the whole country, and that the ordinary law of the land was good enough to deal with the problems we have. If and when, God forbid, the country is in danger, then of course it would be time to have whatever emergency declaration you want. In a country like England when war is over, as soon as it is over emergency is lifted in that country. We continue being friendly—if diplomatic relations continue they are ostensibly friendly—with Pakistan and China. At the same time, over and over again, using the name of Pakistan and China being our enemies so to speak—that word sometimes even crops up in Parliament—this kind of

emergency powers are arrogated to itself by the Government and the country is under obloquy. All kinds of things take place and nothing is prevented. Therefore, though we appreciate, to the extent parliamentary courtesy requires, the gesture of Government, even though somewhat perfunctory, in having discussions in regard to this matter, we are positive in our stand. We do not agree with what the Government has decided in regard to this matter and we continue our agitation, with whatever force of the people we can muster behind us, for revocation of the emergency and all that it connotes.

17 hrs.

Shrimati Renu Chakravarty (Barrackpore): Sir, I would ask you to ask the Home Minister to amend the statement then. We have just now heard—we were not present when the discussions took place; but he gave the impression—that all the parties have met and this is more or less the consensus of opinion. He has tried to give that impression. This is a wrong opinion and he must make an amendment to his statement. All the Opposition was totally opposed to the continuance of the DIR.

Shri Ranga: We made it very clear to my hon. friend.

Shri Bade (Khargone): We do not agree with the statement made by the Home Minister just now that he has taken into confidence all the Opposition Members and, therefore, he is issuing the statement. That is wrong. We always say that the Defence of India Act and the DIR are just like a star chamber to us. We want that they should remove the emergency as soon as possible, when there is the Tashkent Agreement. But they do not do that. Now today at the last hour, at the last minute they are coming with this declaration. That is also haphazard. I would request the Home Minister to break this emergency and declare that there is no emergency in India. The Defence Act is also misused by all the States. In Madhya Pradesh and

everywhere it is misused. Now they have taken all the powers in their own hands. That is a good thing that they have done; but today we want that they should do away with the emergency and this Defence of India Act.

श्री मधु लिमये : (मुंगेर) : जो गृह मंत्री से अपेक्षा थी वह तो उन्होंने पूर्ण नहीं की है। मैं जानना चाहता हूँ कि जिस तरह से 19वीं घाटा के बारे में उन्होंने पुनर्विचार किया है क्या 22वीं घाटा में जो अधिकार नागरिकों को प्राप्त हैं प्रदासत के सामने जा कर उन पर प्रमल कराने के बारे में उसके संबंधी जो प्रेजिडेंट का आर्डर है या उसके ऊपर भी पुनर्विचार नहीं किया जा सकता है ?

दूसरी बात यह है कि त्रिपुरा के जो संसद सदस्य हैं उनकी रिहाई के बारे में पूछा गया था और जिसके बारे में कोई निवेदन नहीं धाया है उसके बारे में भी उनका निवेदन धाना चाहिये।

अन्तिम बात यह है कि महाराष्ट्र के गृह मंत्री द्वारा भारत सुरक्षा कानून का जो दुरुपयोग एक औरत की गिरफ्तारी को ले कर किया गया था उसके बारे में भी गृह मंत्री जी ने धारवासन दिया था कि वह व्यक्तिगत जांच करेंगे। उसके बाद पिछले सप्ताह में और कल भी मैंने उनके पास काफी निवेदन भेजे हैं और

अध्यक्ष महोदय : आर्डर, आर्डर। दूसरी चीजें इस में नहीं लाई जा सकती हैं।

श्री मधु लिमये : भारत सुरक्षा कानून से यह संबंधित है।

अध्यक्ष महोदय : सारी नहीं धा सकती है।

श्री मधु लिमये : मैं इतना ही पूछना चाहता हूँ कि दो सत्रों के बीच में गृह मंत्री जी जांच करके धाने वाले सत्र में इसके बारे में भी विस्तृत निवेदन करेंगे।

श्री तुलशी दास जाबब (नांदेड़) : महाराष्ट्र के गृह मंत्री के बारे में इन्होंने जो कहा है वह ठीक नहीं है।

अध्यक्ष महोदय : अच्छी बात।

Shri B. D. Deshmukh (Aurangabad):
Mr. Speaker. Sir, on a point of order.

Mr. Speaker: Order, order. Shri
Tridib Kumar Chaudhuri.

Shri Tridib Kumar Chaudhuri (Berhampur): Mr. Speaker, Sir, I join my voice with the Leaders of the Opposition in dissociating ourselves from the decision that has just now been announced on behalf of the Home Minister. The way they want to continue the emergency has been made very palpable that two of our colleagues in this House have not only not been released but have been transferred from their State to another State, to Hazaribagh Jail and kept there. I make bold to say that this has been done deliberately with the intention of preventing them from taking part in the elections because in the State of Tripura their release would mean the end of the Congress Government. This is the way the emergency is still being sought to be continued. We entirely oppose the attitude of Government and dissociate ourselves from the decision just now announced. It in no way represents the consensus of the House.

Shri Bhagwat Jha Asad (Bhagalpur): Sir, we welcome the announcement of the Home Minister about relaxing the DIR. We have said during the Home Ministry's Demands that we would like that the emergency should go as early as possible. We had said that in certain parts of the country, like Nagaland, Mizo Hills and Jammu

[Shri Bhagwat Jha Azad]

and Kashmir, this is essential, that is, in what are called, the border districts. We had also made it clear that in the name of the border districts this should not be allowed to continue either in West Bengal or in Bihar, Uttar Pradesh or Punjab and that if any State cannot do without it, it should justify it. I would only say that the Home Minister should take steps to see that, if it is necessary, the Constituion should be properly amended to apply the emergency only to parts like Nagaland and Mizo Hills. To say that because the Constitution does not permit an emergency to apply only to a part, the emergency should be allowed to continue in the whole country, is untenable. We cannot support this state of affairs. We would request the Minister to take early steps, if necessary, to amend the Constitution, to apply these provisions only to these vital parts of the country and, as for the entire country, to revoke them as early as possible.

श्री क० ना० तिवारी (बगहा) : धर्मी जो काश्मीर में घटना हुई है और वहां के पीपल मिनिस्टर पर जो बम पड़ा है उसको देखते हुए क्या गवर्नमेंट को फिर से सोचना नहीं चाहिये? प्रभोजीशन चाहता है कि डी० आई० आर० और एमरजेंसी को हटा दिया जाए क्या इसको हटाना ठीक है? इसका क्या नतीजा होगा इस पर भी सोचा जाना चाहिये। प्रेशर में आ कर उनको कंट्री को डेन्जर में नहीं डाल देना चाहिये। दूसरी जो स्टेट्स हैं उन में धनर घाप रिलेक्सेशन करना चाहते हैं तो करें लेकिन जहां तक काश्मीर का संबंध है या बोर्डर एरियाज का संबंध है नागालैण्ड का संबंध है वहां में चाहता हूँ कि एमरजेंसी को कभी न हटाया जाए और उनके लिए जरूर प्राबिजन रखा जाए।

धर्मी लैफ्ट कम्प्युनिस्ट मोव छूट कर घाए है और छूट कर आने के बाद अगर घाप उनके

स्टेटमेंट्स को स्टडी करेंगे तो घापको पता चलेगा कि उनके रवैये में कोई तबदीली नहीं हुई है। पहले जो उनका रवैया था वही रवैया अब भी है। इस वास्ते प्राबिजरी ला के मुताबिक घाप कंट्री को बचा सकते हैं, बाहर के खतरे से, घाप खुद सोच लें लेकिन मेरा क्याल है कि बोर्डर एरियाज से इसको कभी नहीं हटाया जाना चाहिये।

Shri Khadlikar (Khed): I welcome the process of revocation as the Home Minister has started according to the statement made by him. I do not for a moment support the amendment of the Constitution for making Emergency provisions applicable to a part of the country because the Constitution makers had visualised a very sound juridical concept of Emergency. Even if there is a small boil, the whole body is likely to suffer—the boil might develop into a gangrene. Therefore, the juridical concept should not be disturbed.

There is a suggestion that it should be applied only to border areas like Mizo Hills, Nagaland and also Jammu and Kashmir which are disturbed areas. I would like to state that if we continue Emergency in these areas, the process of integration that we want to initiate will suffer. Ultimately, all the people there are not in revolt. Emergency provisions contemplate either an attack by the enemy or an internal situation threatening the very existence of the State. Therefore, I would plead with him that he should consider, while applying these provisions to isolated areas like Mizo Hills or Nagaland, how he will safeguard the process of integrating these areas as they are also one of us and they will remain one of us after the present discontent is removed.

Shri M. N. Swamy (Ongole): During the discussion with the leaders of the Opposition Parties, our representative made it very clear that the Emergency and the D.I.R. should be

withdrawn immediately. But the Minister here makes the statement that he is doing so in consultation with the leaders of the Opposition parties. It gives the impression as though the leaders of the Opposition parties are one with the statement. But that is a wrong statement on the face if it.

Secondly, as has been pointed out, two M.Ps. from Tripura and the leader of the Opposition in Tripura Assembly are still in detention. Similarly, in Assam, perhaps about a dozen are still in detention. While in border States like U.P., Punjab and Jammu and Kashmir, detenus have been released very recently, may I know what special factors are compelling either the Central Government or the State Government to detain these persons in Assam and Tripura States. I want to know this from the Minister.

श्री प्रकाशवीर शास्त्री : (बिजनौर) : नेफा और नागालैण्ड की समस्या से मुझे उतनी निकट से जानकारी नहीं है जितनी जम्मू काश्मीर से है। गृह मंत्री जी को इस बात की जानकारी होनी कि भारत सुरक्षा अधिनियम का जम्मू काश्मीर राज्य में राजनीतिक स्वाधीनता की प्रतिवद्धता निकालने के लिए भी प्रयोग हुआ है। अभी भी जम्मू और काश्मीर के छन्दर सत्तारूढ़ दल और जो सत्तारूढ़ दल में नहीं हैं एक ही पार्टी में एक ही विचारों के लोग हैं उन में घायस में बिचित्र किस्म की प्रतिवद्धता चल रही है। जम्मू और काश्मीर राज्य भारत के लिये एक गम्भीरतम समस्या बना हुआ है। ऐसी स्थिति में इस भारतीय सुरक्षा अधिनियम का जम्मू और काश्मीर राज्य में राजनीतिक स्वाधीनता की पूर्ति के लिये उपयोग न हो सके इस बात का भी कम से कम गृह-मंत्री ध्यावासन दें। जम्मू और काश्मीर राज्य की स्थिति जितनी नाजुक है उस स्थिति में राजनीतिक स्वाधीनता के लिये जो सत्तारूढ़ दल है वह किसी प्रकार से प्रतिवद्धता कर के इस का उपयोग

करे यह इस देश के लिये भी घोर राज्य के लिये भी बड़ी बातक बात सिद्ध हो जायेगी।

श्री श्रीय (धलीगढ़) : सिर्फ कांग्रेस वाले ही बोल रहे हैं। हमें भी मौका मिलना चाहिये।

अध्यक्ष महोदय : मैं एक ही तरफ नहीं रह सकता। सब तरफ मने देखना होता है। The hon. Member claims to be a member of a party, and still he claims an independent status also. How could the two go together?

श्री श्रीय : मैं कह रहा हूँ कि कांग्रेस भी तो एक ही दल है। उस में से चाहे कितने लोग बोल सकते हैं लेकिन जो कोई दूसरे दलों से घाये हैं वे नहीं बोल सकते यह कहा तक ठीक है।

Mr. Speaker: Now Shri D. C. Sharma.

Shri Kapur Singh (Ludhiana): You had said that you would call only one Member from each party. But you have called more than one Member from the Congress Party.

Shri S. M. Banerjee (Kanpur): I was not invited to that meeting. I should also be given a chance to express myself.

Mr. Speaker: Shri D. C. Sharma.

Shri D. C. Sharma (Gurdaspur): I believe that right-thinking people and people who are not biased by any kind of political dogmas or political doctrines will welcome this statement which Shri Nanda has made. He has made a great deal of relaxation so far as the sense of emergency is concerned, and he has also mitigated the difficulties experienced by people in the application of the DIR.

I want to make two observations in this connection. The first is that while Government have been feeling a sense of emergency, and we also

[Shri D. C. Sharma]

have been experiencing that, the people have not experienced that sense of emergency. Government have done nothing to educate the people with regard to the state of emergency that prevails in this country. For instance, anti-social crimes go on as before. Sedition goes on as before. Treacherous dealings go on as before. Only recently, as my hon. friend has put it, a very heinous and dastardly attempt was made on the life of the Chief Minister of Jammu and Kashmir State. All this shows that the people do not realise the full implications of the sense of emergency. I believe that now that the emergency is being taken away from some parts, Government should educate the people with regard to that.

My second point is this. The DIR may have been used sometimes in a way which might have lent itself to abuse.

My hon. friend had been pleading about one case all the time.

Shrimati Renu Chakravartty: But that is a very bad case.

Shri D. C. Sharma: We have been hearing different stories about that case. But that is not the point at issue.

What I mean to say is this that so far as the DIR is concerned, we still need it in exceptional circumstances and in exceptional areas. We also need the state of emergency in those areas which are very sensitive areas.

Shri Maurya: Martial law will be much more effective and powerful in those areas.

Shri D. C. Sharma: I know that if the martial law will be there, my hon. friend will not be here, nor shall I be here.

Shri Maurya: I am talking about those sensitive areas.

Shri D. C. Sharma: My hon. friend has got the habit of interrupting everybody.

I shall submit very respectfully to this gentleman and to you that the state of emergency does exist and Government have done well by confining it to some areas.

I also say that the use of the DIR should be taken by the Centre in their hands, as has been done, of course, in relation to the sensitive areas to which the hon. Minister has referred. It should be applicable to the States also with the concurrence of the Central Government. I do not want that the State should have a free hand in this and they should apply the DIR as they like. I would submit that they should apply the DIR only after consulting the Centre....

Shri Surendranath Dwivedy: They should have no powers in their hands.

Shri D. C. Sharma: Therefore, I welcome the statement of the Home Minister.

Mr. Speaker: The hon. Minister.

श्री स० मो० बनर्जी : अध्यक्ष महोदय , नन्दा जी का डी० घाई० घार० हम लोगों पर ही लागू होता है। हम पर बार बार डी० घाई० घार० लगता है नन्दा जी पर कभी नहीं लगता है।

श्री मौर्य : हम लोग जो डी० घाई० घार० में गिरफ्तार हुए हैं आप उन को भी मौका दीजिये।

अध्यक्ष महोदय : मैं इंडिविजुअल्स की बात कैसे कर सकता हूँ। मैं ने मिनिस्टर साहब को बुलाया है।

Shri S. M. Banerjee: This is a Government which cannot rule.

श्री मौर्य : इस का अनुभव उन को ही हो सकता है जिन के ऊपर इस को लागू किया गया है। हम पर लागू हुआ है नन्दा जी पर लागू नहीं हुआ।

अध्यक्ष महोदय : हम इस वक्त सारे डी० धाई० धार० को तो नहीं ले सकते ?

श्री श्रीर्य : जिन लोगों पर डी० धाई० धार० लागू हुआ उन का मसवरा नहीं लिया जाता । हम लोगों पर यह लागू हुआ है इस लिये हम लोगों की बात सुनी जानी चाहिये ।

अध्यक्ष महोदय : मैं कह रहा हूँ कि यह डी० धाई० धार० पर जनरल डिस्कशन नहीं है कि हर एक मेम्बर को मौका दिया जाये ।

श्री श्रीर्य : हम भी जनता के प्रतिनिधि चुन कर आये हैं । हम को भी मौका मिलना चाहिये । यह कोई सही बात नहीं है कि डी० धाई० धार० हम पर ही लागू हो और हमसे ही मसवरा उसके बारे में न लिया जाये । हम को जनता ने चुन कर भेज है । इस लिये आप को उन लोगों की बात सुननी चाहिये जिन के ऊपर डी० धाई० धार० लागू होता है

Shri S. M. Banerjee: We are facing it daily. Why should he not hear us on this matter?

Shri Maurya*

Mr. Speaker: This will not be recorded.

Shri S. M. Banerjee:*

Mr. Speaker: This will not be recorded.

Shri Maurya:*

Shri S. M. Banerjee:

Mr. Speaker: These are not to be recorded.

Shri Nanda: When I made a request to hon. Members on both sides who had taken special interest in this problem, that we might meet and discuss this subject, I had not entertained the hope that I was going to secure their

assent and therefore on the strength of that assent I would be able to say that here is a consensus and here all of us are agreed on the thing I have been able to announce here. It was not so and it is wrong to interpret this statement in that sense

It has not been said that whatever we are doing here is on the basis of any kind of agreement. When the hon. Members read the statement, they will find that there is no occasion and they have no reason to entertain any such apprehension that they are being committed. I have not committed them; I am only committing myself and Government. That is all I am doing.

I thought that before we adjourned I would be able to say something to take things further in the direction of the expectations of all of us, and I have done that as far as possible at the moment. I have not said that this is the last word on the subject; this is not the last word on the subject. I think we are going to discuss the matter further, consider the matter further and immediately this would be done.

The hon. Member said that these consultations were perfunctory and all that. They were genuinely and earnestly intended to obtain the reactions of the hon. Members who were deeply interested in the subject. At least, I have benefited. As a result of the discussions, certain questions emerged and several aspects of this problem came into focus; we are applying our minds to them.

I need not take the time of the House in bringing....

Shri S. M. Banerjee: All sections have condemned it.

Shri Nanda: Even though some Members may be feeling in their heart of hearts—I am not casting any reflection—that there is need, that the need has not disappeared, that the threat

[Shri Nanda]

has not completely gone, it is there looming large still their political stand is that they will not be able to depart from that. Therefore, I am not questioning their motive or questioning anything. Let them retain their stand and their position. I am only explaining how far we have progressed in that direction. I would be very happy, the happiest person if it would be possible to say that emergency is removed from tomorrow. Why have we to carry on this burden?

Shri S. M. Banerjee: For political purposes.

Shri Nanda: Not at all. Nobody derives any benefit from this. It is not a question of our gaining anything from it.

The hon. Member has said about Tripura, that the Tripura M.P.s are being retained in the interests of maintaining the Congress Government. The hon. Member may not be knowing that we have already issued orders for the release of those Members.

Shrimati Renu Chakravarty: We are happy about it, that you have announced it.

Shri Nanda: Therefore we do not care for the Congress Government or no Congress Government in a State. The national interest is first.

Shri M. N. Swamy: What about Assam?

Shri Nanda: There are no M.P.s. there I believe, I was answering that question about Members of Parliament.

As a result of these discussions, we have got certain issues. We are applying our minds to these issues, but I said that before this session closed, I would like to take some step. The Defence of India Act amendment because of the various things which have yet to be considered, could not be brought up here, and there was not

time, at any rate, for a passage of any amending Bill, but the next best thing, which is producing the same effect, we have done, i.e., we have taken in our hands the power to allow any action to be taken somewhere or to withdraw the power where we do not feel that that power should remain in the hands of any State Government. That means, effectively, virtually, the intent of the amending Bill has been achieved through the amendment of the rules for the time being, and a further step may follow.

The question was whether the existing laws, the normal laws would not suffice? There are some, a few only, who assert that under no circumstances the special powers under the emergency provisions in the Constitution should at all be resorted to. That means that all those articles in the Constitution were superfluous. I think mostly Members do not agree with that. There was a time when there was active warfare, we had the need for the use of these powers. The only question there may be now is that since there is not active need, emergency in that sense, an acute phase of the emergency, we do not need that, but we may with do with something less. Here is a question of judgement whether the situation in the Mizo Hills District, the situation, in Jammu and Kashmir, can be met, dealt with, in the interests of national security, without recourse to those powers. We feel that it cannot be.

We had two meetings. Of course, it was not possible to cover the whole ground. We are prepared to sit down and examine it. Here is the need. Can it be served by this law, that law? If it can do, I will be very willing, very happy, to entirely discard all those weapons and just rely on the ordinary law with such amendments as it is possible to bring in. I have said that.

Therefore, it is not that we are just clinging to something simply because we have got into the habit of it.

Then there is the other thing. Somebody said elsewhere also that we can have martial law. That is the extreme.

Shri S. M. Banerjee: Nobody said that.

Shri Nanda: It has been said somewhere. It was said in our meeting also. That means you have the most drastic powers or no powers. I think that is not the position. The proper thing is a proper blend of the special powers and other normal powers also, but not simply leaving everything to a situation where it may tantamount to martial law. I have already said that we are prepared to understand and examine the position. To say what use has it been to you, what benefit you got from having the powers, that you cannot prevent this and prevent that, my answer will be: we have met certain situations effectively, successfully; we have gone through certain trouble. Maybe, if we had not those powers, we would have been handicapped. That is not a kind of argument: you still have trouble with China and with Pakistan although you had these powers. I do not want to elaborate it. But this must have helped us; it does help us. The question, whether there is any situation about Pakistan and China—I think this is not the time for me to dwell on that....(Interruptions).

Shri S. M. Banerjee: Why not have faith in the people?

Shri Nanda: All of us, patriotic Members, all of us have a keen sense of national security. Let us not be oblivious to the fact. I am sure that everyone of us will be very willing to give all the powers, that is required to meet any situation which may be a developing situation. We are only talking now because we have not sat down to deal with those concrete issues and with the needs in terms of the situation that we are facing here and there. Then, there is this question; hon. Member **Shri Bhagwat Jha Azad**

said about U.P., Bengal, Bihar, etc. There is no mention of these States. Therefore, we have already restricted in the narrow way where the need lies. At the moment nobody can question the need because the facts are well known. Jammu and Kashmir also. The hon. Member said, it is clear from the whole approach and the tenor of the statement that has been made that it is going to be applied in the strict sense of meeting the demands of national security. No partisan, no other consideration that has no bearing on this....

श्री प्रकाशचौर शास्त्री : मेरा कहना यह था कि राजनैतिक दुश्मनी निकालने के लिए डी० घाई० धार० का प्रयोग न हो।

Shri Nanda: This is the answer I have given; no other consideration, no partisan interest—that is the answer to the very question that was raised by the hon. Member. This question of Maharashtra was raised although it was answered. I have spoken to the hon. Member also. I got all the details, facts about the situation and they were so very full of information about the situation, about what happened there. In addition, I had pointed out that in the Assembly there was a cut motion on this subject and the member of the party to which the hon. Member belongs, if I am not mistaken, they withdrew that motion....

श्री मधु लिवरे : कल मैंने नये सद्ध, नये पत्र इनको दिये हैं और उन्होंने स्वयं कहा था कि हम विचार करेंगे।

Shri Nanda: Let me complete it. As I said I spoke to him that this appears to me very convincing and yet if any other aspect is there and the hon. Member brings that out, I am still prepared to go into everything.

Shrimati Renu Chakravarty: You just agree to that, to have all the details because this is really a very bad thing.

Shri Nanda: I still maintain that position. I hope that whatever the hon. member may say in order to preserve a certain stand that they have, I hope they will agree with me that this is a very big step forward.

Mr. Speaker: This brings to a close the longest session of this Parliament.

Shri Hari Vishnu Kamath: Of this Lok Sabha, third Lok Sabha.

Mr. Speaker: . . . of this Parliament, third Lok Sabha. The House is adjourned sine die .

17.30 hrs.

The Lok Sabha then adjourned sine die.
